HOME-POLE

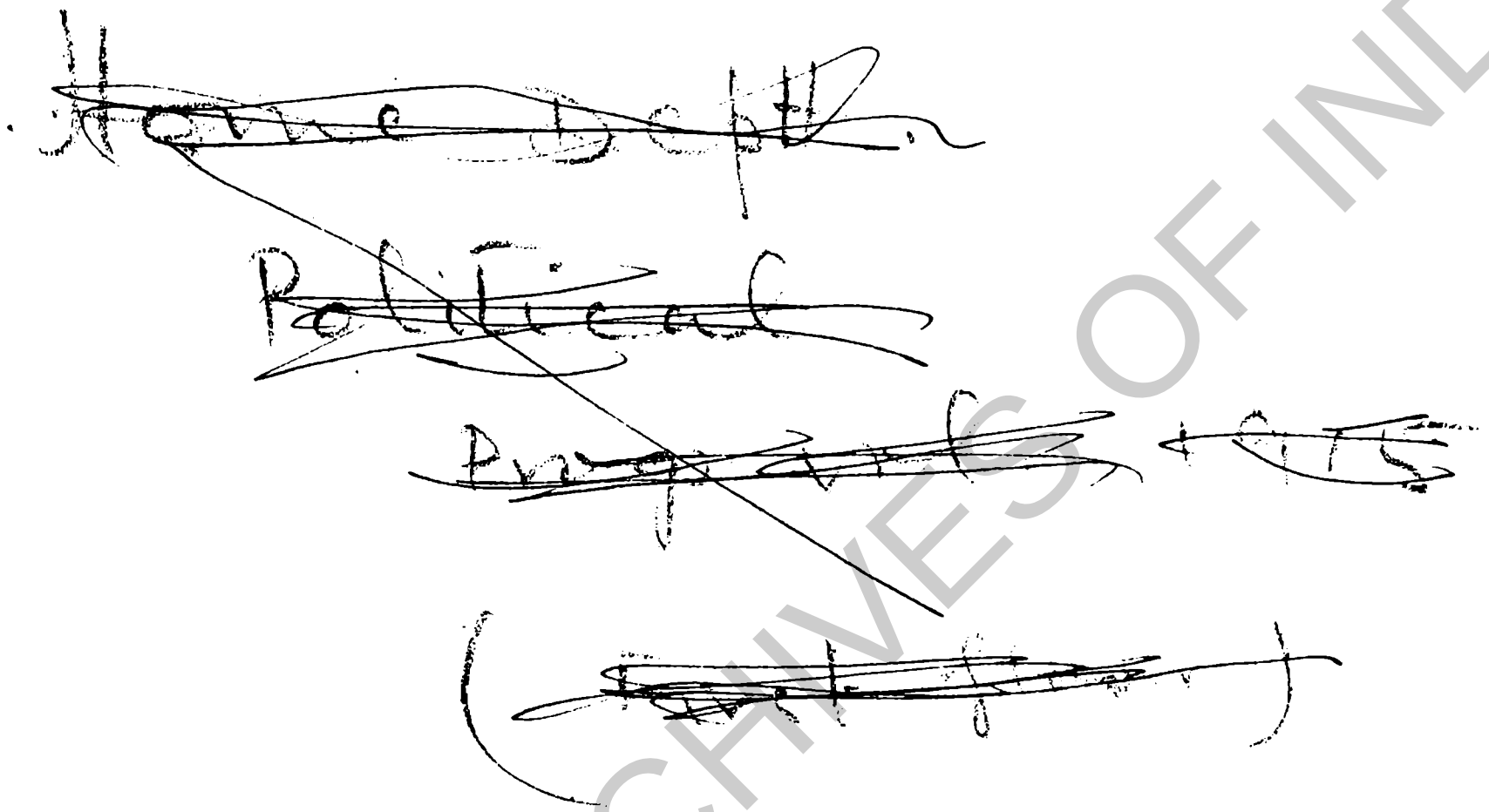
B

1915

May

No 345-419

NATIONAL ARCHIVES OF INDIA



NATIONAL ARCHIVES OF INDIA

HOME 1915. DEPT.

Political.

RETURN TO NATIONAL ARCHIVES OF INDIA

B.
osit.

Proceed[illegible]s May.

345-419.

Petitions for mercy on behalf of Amir Chand, Abad Behari, Basant Kumar Biswas and Bal Mokand, sentenced in the Delhi-Lahore Conspiracy Case.

A

SUBJECT.

Petitions for mercy on [illegible]lf of Amir Chand, Abad Behari, Basant Kumar Bi[illegible]was and Bal Mokand [illegible]enced to death in the Delhi-Lahore Conspiracy Case.

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		Judicial "A" August 1913, Nos. 115-118.	
		Judicial "B" December 1908, Nos. 239-248.	

F.I.22/7183

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LATER REFERENCES.

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Later References
Coll. B. January, 1918, Nos. 39-40.

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345	Letter from Gokal Chand Narang, Bar-at-Law, dated the 15th February 1915, enclosing a copy of a petition for suspension of sentence of death passed on Bal Mokand.	Jud ,,
346	Letter from the Chief Commissioner of Delhi, no. 1051, dated the 16th February 1915, forwarding a petition on behalf of Bal Mokand.	
347	Letter from the Chief Commissioner of Delhi, no. 1053, dated the 16th February 1915, forwarding a petition on behalf of Amir Chand.	
348	Letter from the Government of the Punjab, no. 348, dated the 16th February 1915, forwarding a petition for mercy from Basant Kumar Biswas.	
349	Telegram to the Registrar, Punjab Chief Court, no. 676, dated the 17th February 1915, asking for the complete records in the Delhi-Lahore Conspiracy Case.	
350	Telegram to the Superintendent, Amballa District Jail, no. 679, dated the 18th February 1915, enquiring as to the date fixed for the execution of Basant Kumar Biswas.	
351	Letter to the Chief Commissioner, Delhi, no. 680, dated the 18th February 1915, forwarding a petition from Basant Kumar Biswas, for favour of remarks.	
352	Letter to the Superintendent, District Jail, Delhi, no. 681, and endorsement to the Chief Commissioner of Delhi, no. 682, dated the 18th February 1915, requesting that the Government of India be informed of the date fixed for the execution of Amir Chand, and requesting that the execution be not carried out till the orders of the Government of India are received.	
353	Telegram to Gokal Chand Narang, no. 688, dated the 18th February 1915, intimating that the Government of India decline to postpone the execution of Bal Mokand.	
354	Telegram from the Superintendent, Amballa District Jail, dated the 18th February 1915, intimating that no date has been fixed for the execution of Basant Kumar Biswas and that execution has been stayed pending receipt of orders.	

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355 Telegram from the Punjab Chief Court, dated the 18th February 1915, intimating that the records in the Delhi-Lahore Conspiracy Case were despatched on 18th February 1915.

356 Letter from the Registrar, Chief Court of the Punjab, no. 850-J., dated the 18th February 1915, intimating that the complete records in the Delhi-Lahore Conspiracy Case were being despatched in charge of a police guard.

357 Letter from the Chief Commissioner of Delhi, no. 1142, dated the 18th February 1915, returning the petition of Basant K[illegible]

[illegible] from the Superintendent, Amballa District Jail, no. 163, dated the 18th February 1915, intimating that the petition for mercy from Basant Kumar Biswas was forwarded to the Revenue Secretary to the Government of the Punjab.

359 Letter from the Superintendent, District Jail, Delhi, no. 295, dated the 19th February 1915, intimating that the date fixed for the execution of Amir Chand is 3rd March 1915.

[illegible] Letter from the Superintendent, District Jail, Delhi, no. 292, dated [illegible] date of execution

362 Telegram from the Superintendent, Amballa District Jail, Delhi, intimating that a letter has been sent to the Sessions Judge, Delhi, enquiring as to the date fixed for the execution of Basant Kumar Biswas.

363 Letter from the Superintendent, Amballa District Jail, no. 183, dated the 21st February 1915, intimating that the date fixed for the execution of Basant Kumar Biswas is 8th March 1915.

364 Petition from Abad Behari, dated the 22nd February 1915.

365 Letter from the Chief Commissioner of Delhi, no. 1256, dated the 23rd February 1915, forwarding a petition from Abad Behari.

366 Endorsement from the Superintendent, District Jail, Delhi, forwarding a petition for mercy from Abad Behari.

367 Letter from the Superintendent, District Jail, Delhi, dated the 24th February 1915, forwarding the second petition for mercy from Amir Chand.

368 Letter from the Superintendent, District Jail, Delhi, forwarding a petition for mercy from Bal Mokand.

369 Telegram from the Secretary of State, dated the 24th February 1915, intimating that a petition has been received by him from the solicitors of Bal Mokand praying for postponement of execution.

370 Office memorandum from Private Secretary to the Viceroy, no. 330, dated the 25th February 1915, forwarding a telegram to Hem Chandra Biswas intimating that a memorial on behalf of Basant Kumar has been forwarded.

371 Letter from the Government of the Punjab, no. 295, dated the 25th February 1915, forwarding a petition for mercy from Bal Mokand.

372 Telegram from the Secretary of State, dated the 25th February 1915, intimating that the Privy Council will hear the case of the appeal of Bal Mokand on 3rd March 1915.

373 Letter from the Chief Commissioner of Delhi, no. 1331, dated the 26th February 1915, intimating that he has no remarks to offer on the petitions for mercy from Bal Mokand and Amir Chand.

374 Office memorandum from the Private Secretary to the Viceroy, no. 374, dated the 26th February 1915, forwarding a petition for mercy from Basant Kumar Biswas.

375 Telegram from the Secretary of State, dated the 27th February 1915, intimating that petitions for postponement of execution have been received from Amir Chand, Abad Behari and Basant Kumar.

376 Office memorandum from Private Secretary to the Viceroy, no. 343, dated the 27th February 1915, forwarding a petition for suspension of the execution of Bal Mokand from Jairam Das, Bal Mokand's brother.

377 Telegram to Jairam Das, no. 828, dated the 1st March 1915, intimating that the execution of Bal Mokand will not be carried out until the decision of the Privy Council is known.

378 Letter to the Superintendent, District Jail, Delhi, no. 840, dated the 2nd March 1915, intimating that the Governor General in Council is not prepared to postpone the execution of Abad Behari in the event of his petition for mercy being rejected.

379 Letter from the Superintendent, District Jail, Amballa, no. 213, dated the 28th February 1915, enquiring as to when a reply may be expected to the petition for mercy from Basant Kumar.

380 Telegram to the Superintendent, District Jail, Amballa, no. 864, dated the 3rd March 1915, intimating that Basant Kumar's petition for mercy is still under consideration.

381 Memorandum from the Private Secretary to the Viceroy, no. 374, dated the 3rd March 1915, forwarding an appeal from Ragunath Sahai for the postponement of the execution of Amir Chand.

382 Letter from the Chief Commissioner of Delhi, no. 1396, dated the 3rd March 1915, forwarding an appeal from L. Raghunath Sahai for the postponement of the execution of Amir Chand.

383 Telegram to Ragunath Sahai, no. 869, dated the 4th March 1915, and endorsement to the Superintendent District Jail, Delhi, no. 870, intimating that the execution of Amir Chand will not be carried out until the decision of the Privy Council is known.

384 Telegram from the Secretary of State, dated the 3rd March 1915, intimating that the Privy Council had decided to hear the appeals from all four accused.

385 Letter from the Superintendent, District Jail, Delhi, intimating that Abad Behari and his Advocate have been informed of the order for the stayal of execution pending the decision of the Privy Council.

386 Telegram to the Superintendent, District Jail, Amballa, no. 884, dated the 5th March 1915, intimating that the execution of Basant Kumar fixed for 8th March 1915, should be postponed pending the decision of the Privy Council.

387 Telegram from the Superintendent, Amballa District Jail, dated the 4th March 1915, intimating that Pro. no. 380 had been received and noted.

388 Endorsement from the Superintendent, District Jail, Amballa, no. 240, dated the 4th March 1915, forwarding a post copy of Pro. no. 387.

389 Telegram from the Superintendent, District Jail, Amballa, dated the 5th March 1915, intimating that the execution of Basant Kumar has been postponed.

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1-B

390	Telegram from Jairam Dass, dated the 6th March 1915, intimating that the solicitors have cabled that the appeal will be heard a fortnight after the arrival of the papers in England.
391	Telegram from the Secretary of State, dated the 25th March 1915, suggesting the postponement of executions well beyond 40 days.
392	Telegram to the Secretary of State, no. 1174, dated the 28th March 1915, intimating that the execution of all four prisoners has been postponed until the orders of the Privy Council are known.
393	Letter from the India Office, no. J. and P. 1068, dated the 19th March 1915, forwarding a copy of papers on the subject of the Privy Council proceedings in the Delhi-Lahore conspiracy trial.
394	Letters to the Government of the Punjab and to the Chief Commissioner of Delhi, nos. 1344—1345, dated the 19th April 1915, forwarding a copy of Pro. no. 393.
395	Telegram to the Secretary of State, no. 446, dated the 22nd April 1915, intimating *re* Pro. no. 391, that before the petition is taken up by the Judicial Committee we would be glad to know if there is any likelihood of further delay occurring.
396	Telegram from the Secretary of State, dated the 26th April 1915, intimating that the hearing of the petition to the Privy Council has been fixed for 27th April 1915.
397	Telegram from the Secretary of State, dated the 28th April 1915, intimating that the Privy Council has dismissed all the petitions for special leave to appeal.
398	Telegram to the Superintendent, District Jail, Delhi, no. 1450, and endorsements to the Government of the Punjab and the Chief Commissioner of Delhi, nos. 1459—1460, dated the 30th April 1915, intimating that the Governor-General in Council declines to interfere on behalf of Bal Mokand.
399	Telegram to the Superintendent, District Jail, Delhi, no. 1451, and endorsements to the Government of the Punjab and the Chief Commissioner of Delhi, nos. 1461—1462, dated the 30th April 1915, intimating that the Governor-General in Council declines to interfere on behalf of Amir Chand.
400	Telegram to the Superintendent, District Jail, Delhi, no. 1452, and endorsements to the Government of the Punjab and Chief Commissioner of Delhi, nos. 1463—1464, dated the 30th April 1915, intimating that the Governor-General in Council declines to interfere on behalf of Abad Behari.
401	Telegram to the Superintendent, District Jail, Amballa, no. 1453, and endorsements to the Government of the Punjab and the Chief Commsisioner of Delhi, nos. 1465—1466, dated the 30th April 1915, intimating that the Governor-General in Council declines to interfere on behalf of Basant Kumar Biswas.
402	Letter to the Superintendent, District Jail, Delhi, no. 1467, dated the 30th April 1915, forwarding a copy of Pro. no. 398.
403	Letter to the Superintendent District Jail, Delhi, no. 1468, dated the 30th April 1915, forwarding a copy of Pro. no. 399.
404	Letter to the Superintendent, District Jail, Delhi, no. 1469, dated the 30th April 1915, forwarding a copy of Pro. no. 400.
405	Letter to the Superintendent District Jail, Amballa, no. 1470, dated the 30th April 1915, forwarding a copy of Pro. no. 401.
406	Telegram from the Superintendent, District Jail, Delhi, dated the 1st May 1915, acknowledging receipt of Pro. nos. 398—400.
407	Telegram from the Superintendent, District Jail, Amballa, dated the 1st May 1915, intimating that the date for the execution of Basant Kumar Biswas is fixed for 10th May 1915.
408	Telegram from the Superintendent, District Jail, Delhi, no. 716, dated the 1st May 1915, intimating that the date of execution of Amir Chand, Bal Mokand and Abad Behari is fixed for 8th May 1915.
409	Telegram from the Superintendent, District Jail, Ambala, communicating the substance of the petition for mercy from Basant Kumar Biswas.
410	Endorsement from the Superintendent, District Jail, Amballa, no. 529, dated the 1st May 1915, forwarding a copy of Pro. no. 407.
411	Endorsement from the Superintendent, District Jail, Amballa, no. 532, dated the 1st May 1915, forwarding a copy of Pro. no. 409.
412	Letter from the Superintendent, District Jail, Amballa, no. 530, dated the 1st May 1915, forwarding a petition for mercy addressed to His Majesty the King, from Basant Kumar Biswas.
413	Telegram to the Superintendent, District Jail, Amballa, no. 1503, and endorsements to the Government of the Punjab and the Chief Commissioner of Delhi, nos. 1504—1505, dated the 4th May 1915, intimating that the Governor-General in Council has witheld the petition for mercy from Basant Kumar Biswas.
414	Letter to the Superintendent, District Jail, Amballa, dated the 4th May 1915, forwarding a copy of Pro. no. 413.
415	Endorsement from the Superintendent, District Jail, Delhi, no. 713, dated the 1st May 1915, forwarding a copy of Pro. no. 406.
416	Endorsement from the Superintendent, District Jail, Delhi, no. 717, dated the 1st May 1915, forwarding a copy of Pro. no. 408.
417	Telegram from the Superintendent, District Jail, Amballa, dated the 4th May 1915, repeating Pro. no. 413.
418	Letter from the Superintendent, District Jail, Delhi, no. 728, dated the 4th May 1915, acknowledging the receipt of Pro. nos. 402—404.
419	Endorsement from the Superintendent, District Jail, Amballa, no. 548, dated the 5th May 1915, forwarding a copy of Pro. no. 417.

NATIONAL ARCHIVES OF INDIA

Judl.

Section.

Heading.

File No.

Serial No.

1-2

NOTES.

Home DEPT.
~~Judl.~~ BRANCH.
Political

Pros. B., May 1915. Nos. 345-419

Subject.

Petitions for mercy on behalf of Amir Chand, Abad Behari Basanta Kumar Biswas and Balmokand sentenced to death in the Delhi-Lahore Conspiracy case.

~~Dates of execution~~ Not known.

Pro. no. 345 From Gokal Chand Narang, Bar-at-Law d/ 15-2-15.
Pro. no. 346 From the Chief Commissioner, Delhi, No. 1051, 16-2-15.
Pro. no. 347 ---------- do ---------- No. 1053, 16-2-15.
Pro. no. 348 From the Government of the Punjab, No. 222 Home, d/ 16-2-1

No. Dated Recd.

~~General~~ ~~Diary~~ Register No. Enclos. Spare Copies.

Brief Abstract of Letter.

Notes and Orders.

Amir Chand belongs to Delhi and his petition will of course have to be dealt with by the Government of India as local Government vide H.D. letter No. 1190 dated the 9th August 1913. It is for orders whether this should also be done in the case of the other prisoners concerned in the Delhi Conspiracy case. This would seem to be the proper course as the case was originally tried in Delhi. If this

Judl A Aug 1913 Nos 115-118

Yes. I have already mentioned the matter to H.M. and the Punjab Govt. [illegible]

S. 1.

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is accepted the Superintendent Ambala Jail may be requested to postpone the execution of Basanta Kumar Biswas, as we will have to ask the Superintendent Delhi District Jail to do in the case of Amir Chand, vide rule (7) of Office Order dated the 27-8-13. Basanta Kumar's petition may in that case be sent to the C.C. Delhi for remarks.

2. As regards Bal Mokand's request for stayal of execution pending appeal to Privy Council attention is invited to the notes on page 4 in Judl. B Decr. 1908, nos. 239-248, and the Home Department telegram dated the 8th September 1913 in the marginally noted Pros. and a draft telegram is put up on the assumption that the request will not be granted. ~~It would perhaps be well to postpone execution in his case also though we have not received any petition on his behalf addressed to the Government of India.~~

The necessary drafts are submitted for approval on the above assumption.

We have not yet any information as to the date fixed for execution: I have amended the drafts accordingly.
C.W. Gordon
Judl A Aug 1913, nos 115-118.

Mr. Stokes noted in 1908 no appeal lies as of right in ~~[illegible]~~ a case like this to the Privy Council.
C.W. Gordon

The draft to the Punjab Chief Court has issued.
Issue drafts I, IV & V.
and then submit to Hon'ble Member for approval of draft III.

2. I understand that in the cases of the three condemned convicts now in Delhi Jail the date of execution is likely to be fixed for about the 4th March. This sh^d allow ample time, without resort to any further postponement for the due consid^n by the Govt of India of any appeals for mercy presented, ~~[illegible]~~

III
17/2

D.S.
RDK
17.2.15

NATIONAL ARCHIVES OF INDIA

if the Punjab Chief Court does not delay the submission of the complete records.

C.W.E.Cotton, 17.2.15.

Pro. no. 349 Telegram to the Regr, Punjab Chief Court, no 676 dt 17.2.15

350 Telegram to the Supdt. Jail Ambala, no.679, d.18.2.15.

351 Letter to the Chief Commr. Delhi, no. 680, d. 18.2.15.

352 Letter to the Supdt. District Jail, Delhi, no.681, d.18.2.15

~~353~~ and endorsement to the Chief Commr. Delhi, no.682, d.18.2.15

We had better decline postponement; but we must look up and make certain what powers of appeal do exist in criminal cases vide Tilak's and Channing Arnold's cases.

R.H.C(raddock), 18.2.15.

Issue the draft telegram.

C.W.E.Cotton, 18.2.15.

Pro. no. 353 Telegram to Gokal Chand Narang, no. 688, d.18.2.15.

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Telegram from the Supdtt. Ambala Jail dated the 18-2-15.

Telegram ~~no. 676~~ d/ 18-2-15 from the Punjab Chief Ct

Letter No. 650 J d/ 18-2-15 ---- do ----------

from the C.C. Delhi, no. 1142 Home d/ 18-2-15.

Submitted. (Only those portions of the records which actually will be required by us have been retained and are placed below. The remainder have been taken back by Inspector Brij Lal, who brought them, to be kept in safe custody in the Sessions Court. The records filled in all six boxes and if any other papers are required, it has been arranged that they will be readily forthcoming).

We have so far received petitions for mercy from only two of the four prisoners sentenced to death in the Delhi Conspiracy Case and the executions in the case of Hardayal will not be carried out till the receipt of the Government of India's orders. The file will ultimately have to be submitted

Amir Chand
Basanta Kumar
Biswas.

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The following portions of the records are flagged :—

The prisoner's confession.

The reasons for commitment.

The petitioner's statement before the Committing Magistrate.

The Sessions Judge's judgment.

The petitioner's statement before the Sessions Judge.

The High Court's / Chief Judicial Commissioner's judgment.

The Assessor's opinion.

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to H.E. the Viceroy, the crime being of a political character.

H.L. 19.2.15.

R.D'A. 19.2.15.

Resubmit as soon as the letter of the Supdt. Ambala Jail is received. If the Supdt. Delhi Jail does not reply tomorrow about the date of execution we must remind him.

C.W.E.Cotton, 19.2.15.

Pro. no. 358

Pro. no. 359

Pro. no. 360

From the Supdt. Ambala District Jail, no. 163, d. 18.2.15.

From the Supdt. District Jail, Delhi, no. 295, d. 19.2.15.

From the Supdt. District Jail, Delhi, no. 292, d. 19.2.15.

The Supdt. Ambala Jail may be informed that the petition on behalf of Basant Kumar Biswas has been received from the Government of the Punjab and no further petition is called for. Draft telegram submitted for approval.

Issue as added to. C.W.E.Cotton.

2.— Await the petitions on behalf of Abad Bihari x and Balmokand ≠ as well as the further petition promised on behalf of Amir Chand ■.

x Date of execution 5.3.15.

≠ --ditto-- 6.3.15.

■ --ditto-- 5.3.15.

H.L. 20.2.15.

R.D'A. 20.2.15.

C.W.E.Cotton, 20.2.15.

Pro. no. 361.

Telegram to the Supdt. Distt. Jail, Ambala, no. 717, d.

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20/2:14

VICEREGAL LODGE,
DELHI.

Recd
W
21 2-15

My dear Whale

Would you kindly suggest for H.E.'s consideration a reply to the private telegram of which I enclose a copy.

Yours sincerely

Sam Bonlay

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NATIONAL ARCHIVES OF INDIA

(289). Telegram. P.

From----The Secretary of State for India.

To-----The Viceroy.

Dated the 19th February 1915 @ 10-40. p.m.

Recd the 20th February 1915 @ 10-30. a.m.

.....

Private. Reference Delhi Lahore conspiracy trial. The enhancement of life sentence passed on Basant Kumar Biswas to sentence of death by the Punjab Chief Court shows signs of attracting ~~public~~ public attention here as ? no difficulty recalling Sitapur case. I foresee long time in dealing with criticisms but I should be glad to have information on the following points:- Firstly, date of execution if fixed: secondly, whether any further proceedings are anticipated either through stay of order by Government or on petition from condemned or for any other reason.

Two copies sent to P.S.V. only.

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NATIONAL ARCHIVES OF INDIA

7-B

From the P.S.V. dated the 20th February 1915.

Submitted. So far we have received petitons for mercy on behalf of Amir Chand and Basant Kumar Biswas only but the Superintendent of the Delhi Jail has intimated that petitions on behalf of Balmokand and Abad Behari are being prepared by their pleaders. The dates fixed for execution of three of the prisoners, are given in the margin, though the executions will not be carried out until the issue of the orders by the Government of India. We do not as yet know what is the date fixed for the execution of Basant Kumar Biswas. It may also be pointed out that a petition for the stay of execution of Balmokand pending an appeal to the Privy Council has been rejected.

And also on behalf of Amir Chand

Amir Chand and Abad Bihari- 8-3-15.
Balmokand - 8-3-15.

I have ascertained that the date fixed for the execution of Basanta Kumar Biswas is March 8th. The Sessions Judge originally fixed it for March 6th and sent it to the Supt. Delhi Jail, from whom it was returned with the information that the prisoner is in the Ambala Jail. A fresh warrant has now been sent to the Supt of the latter jail, the date being postponed by two days.

Except in the case of Balmokand we have no information of any intention on the part of these three prisoners to obtain a further judicial hearing by appeal to the Judicial Committee of the Privy Council, and it is extremely unlikely that such an application would cause a stay of execution as the records, even if already despatched would reach England in time. The complete records have been received from the Punjab Chief Court, and as Basanta Kumar Biswas does not apparently contemplate the submission of a further petition through his pleader, his case can be considered at once, if each prisoner's petition is to be dealt with separately. In order to prevent indefinite delay on the part of the pleaders representing the three other prisoners, the Supt. Delhi Jail

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might perhaps be told to advise them that the petitions promised in his letters 292 and 295 of the 19th Feby. should reach the Government of India by Wednesday next the 24th.

C.W.E. Cotton. 21-2-15.

I suggest the following telegram to the Secretary of State:-

" Private. Delhi conspiracy case. Reference your private telegram of 19th instant. The following dates have been fixed for the different executions. On the 5th March Amir Chand and Abad Behari; on the 6th March Balmokand and on the 8th March Basanta Kumar. Amir Chand and Basanta Kumar presented petitions for mercy which have not yet been considered. It is believed that petitions from the other two are under preparation. There will be no difficulty in dealing with these before the dates above mentioned. A petition was presented on behalf of Balmokand for stay of execution pending application to Privy Council. This was rejected as it is contrary to precedent, but we would be glad of immediate information if any proceedings before Privy Council are initiated in England."

2. His Excellency should see.

H. Wheeler. 21-2-15.

R.H.C(raddock). 22-2-15.

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In reply to the Secretary of State's telegram of the 19th instant on the subject of the Delhi case the draft reply above is suggested for His Excellency's approval.

H. Wheeler, 22.2.15.

P.S.V.

Dft. tel. approved.

H. 22.2.15.

The Private telegram to Secy. of State has sent. Copies are placed in file.

[illegible]
23.7.

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NATIONAL ARCHIVES OF INDIA

/8

Telegram. P.

From----The Viceroy.

To-----The Secretary of State for India.

No. 214 dated the 23rd February 1915 @ 1. p.m.

.....

Private. Delhi conspiracy case. Reference your private telegram of 19th instant. The following dates have been fixed for the different executions. On the 5th March Amir Chand and Abad Behari; on the 6th March Balmokand and on the 8th March Basanta Kumar. Amir Chand and Basanta Kumar presented petitions for mercy which have not yet been considered. It is believed that petitions from the other two are under preparation. There will be no difficulty in dealing with these before the dates above mentioned. A petition was presented on behalf of Balmokand for stay of execution pending application to Privy Council. This was rejected as it is [redacted] contrary to precedent, but we would be glad of immediate information if any proceedings before Privy Council are initiated in England.

.....

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Pro. No. 362. Telegram from Supdt. Ambala Jail 21-2-15

Await further report from Supdt.

SO. C.W.E.C.

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Pro. no. 363 (1) From the Superintendent, District Jail, Ambala, No. 183, dated the 21-2-15.

" " " 364 (2) Petition from Avad Behari through Mr. Nanak Chand, Advocate, dated the 22nd February 1915.

" " 365 (3) From the Chief Commissioner, Delhi, No.1256-Home, datted the 23rd February 1915.

" " 366 (4) From the Superintendent District Jail, Delhi, dated the 23rd February 1915.

" " 367 (5) From the Superintendent, District Jail, Delhi, No. 330 dated 24th February 1915.

" " 368 (6) From do do No.326 dated 24th Feb.1915.

" " 369 (7) Tel. from the Secretary of State dated the ~~23rd~~ 24th Feb.15.

" " 370 (8) O.M. from P.S.V., no: 330, of the 25th Feby 1915 ~~Tel. from Hem Chandra Biswas, dated the 24th Feb.15.~~

" " 371 (9) From the Govt. of the Punjab, No.295-Home dated 25th Feb. 1915.

" " 372 (10) Tel. from the Secy. of State, dated the 25th Feb.1915.

" " 373 (11) Letter from the C.C. Delhi, no. 1331 of 26-2-15.

" " 374 (12) ~~Petition on behalf of Basanta Kumar~~ memorandum from P.S.V., no- of- 26.2.15.

There are ~~ten~~ twelve letters on the file which are awaiting orders.

~~P.U.C.~~ I- The dates of execution of all the prisoners have now been intimated. They are-

Amirchand) Avad Behari)	5th March.
Balmokand	6th March.
Basant Kumar Biswas	8th March.

Executions will however not be carried out till the receipt of the Govt. of India's orders.

~~P. U. C.~~ II- This is the duplicate copy. ~~of a petition already on the file. No orders.~~ one copy has also been recd officially thro' the C.C. Delhi, vide page III.

~~P.U.C.~~ III- Avad Behari's petition. For orders.

~~P.U.C.~~ IV- A draft declining to postpone execution pending an appeal to the Privy Council on behalf of Av Behari is put up, as in the case of a similar peti on behalf of Balmokund

~~P.U.C.~~ V- A second petition from Amir Chand

Issue as modified. (I have taken the draft off the file for the purpose) C.W. Bonon

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✓ Since received and placed on file.

~~P.U.C.~~ VI- Balmukand's petition for mercy. For orders. (It is understood that the C.C. has no remarks to offer and that a letter to this effect may soon be expected.)

~~P.U.C.~~ VII- For information.

~~P.U.C.~~ VIII- an earlier petition from Basanta Kumar's ~~petition~~ is already on the file. The further petition can be considered when received.

~~P.U.C.~~ IX- This is the copy of a petition already on the file. No orders.

~~P.U.C.~~ X- This probably relates to Balmokand's case only. For orders.

~~P.U.C.~~ XI – For information.

~~P.U.C.~~ XII – An unsigned copy of a petition on behalf of Basanta Kumar.

2. Petitions from all the prisoners condemned to death in the Delhi Conspiracy Case have now been received and have been slipped separately. Before orders are passed on them, the file will have to be submitted to His Excellency the Viceroy the crime being of a political character.

HL 26/2

RDA 26/2

D.S.

The Privy Council will hear arguments with reference to Balmokand's petition for leave to appeal on March 3rd. Orders shd not issue, if his petition for mercy is rejected by the G.G. in Council, until the Secy of State has telegraphed the result of that applicn, because the Supt Delhi Jail has only orders to stay execution until the orders of the Govt of India are received. But there is no reason why the considn of his petn shd not be considered along with those of the other three memorialists on that account.

2. I understand that His Excellency has expressed the wish that the petitions for mercy from the four memori[illegible] under sentence of death, Amir Chand, Avad Be[illegible] Balmokund & Basanta Kumar Biswas shd be c[illegible] of the Hon'ble the Home & Law Members and [illegible] to him unless there is disagreement between them. In view of the vast literature on [illegible] the case already on the file perhaps H.M. will prefer to d[illegible] individual case with the Hon'ble Sir A[illegible]

P.U.C. III, V, VI & XII also petitions flagged from Basanta Kumar Biswas & Amir Chand.

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dispose of them & a joint note if they are of the same opinion.

3. Orders in all cases may be held up until the receipt of further information from the Secy of State, for it is possible that others beside Balmakund may be represented at the preliminary hearing before the Priy Council on March 3rd.

Crewe
27. 2. 15

I see no advantage in communicating the petitions for mercy until we know whether the Priy Council intend to admit the appeal or reject the application. When appeal is admitted a long time must elapse before the case is heard & disposed of.

The case may be put up again on the 4th March.

RMC
28/2/14

In his connection please see the telegram from Secy of State

Crewe
28/2

PRO. 30. 375

Telegram from the Secy. of State 27-2-15

NATIONAL ARCHIVES OF INDIA

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Rec'd 27.2.15

27. 2. 15

VICEREGAL LO

ELHI.

Poll: 1556 27/2/15.

My dear Wheeler

Please see the Sec. of State's telegram of Feb. 25th regarding the Delhi-Lahore case:

The Viceroy asks you to see that Balmokand's execution does not take place until we have heard the result of the petition to the Privy Coun

Yours sincerely

[illegible]

15

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~~H.No. 1556~~

~~D.O. dated the 27-2-15 from Sir J.H. Dunculey.~~

Submitted for information. The Superintendent of the Delhi District Jail has already certified that the execution of Balmokand will not be carried out till the receipt of the Government of India's orders. (The main file was submitted to Deputy Secretary ~~today~~ on the 27.2.15.) P.S.V.

D.S. HL 27/2

may see this for information.

Rota 28/2

D.S.

Godfrey 28/2/15

P.S.V.

w/ono. 1556, & 1/3/15.

Thanks.

J.H. Dunculey

1.3.15

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28. 2. 15

VICEREGAL LODGE,
DELHI.

HOME DEPT
INDIA
Poll: 1660
Dated 4/3/15
Entered

My dear Chamberlain

With reference to Lee-Warner's telegram of 27th inst proposed appeal by Amir Chand, Abad Behari, and Basant Kumar to the Privy Council, the Viceroy wishes you to ensure that none of these executions takes place until we hear further from the

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~~R.No. 1660~~

~~D.O. from Sir J.H. DuBoulay dated the 28th February 1915.~~

Orders directing the stay of the execution of the four prisoners sentenced to death in the Delhi Conspiracy case, ~~till~~ pending the decision of the Privy Council regarding the admission of the appeals, have been issued.

P.S.V. may see.

This was ~~dealt with~~ answered when received on the telephone. Add to main file when available in appropriate place

4/3

4/3/15

D.S.

4.3-15

25

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» Pro. no. 376

Tel from P.S.V., No. 343 dt- 27.2.15.

~~Telegram from Jairam Dass, dated the 27-2-15.~~

19

This has been done I presume.

Sd. H(ardinge), 27.2.15.

The main file as well as the demi-official from the P.S.V. intimating H.E's desire that execution should be stayed pending the decision of the Privy Council in Balmokand's case was submitted to Deputy Secretary today. The Jail Superintendent has certified that execution will not be carried out pending the orders of the Government of India. The petitioner may perhaps be informed accordingly. Draft telegram submitted for approval.

x
fixed for 6th March.

x

H.L. 27.2.15.

Draft ~~II~~.

I have also placed for issue another draft from the main file which I have marked to H.M. Issue both drafts.

C.W.E.Cotton, 1.3.15.

Pro. no. 377
Pro. no. 378.

Telegram to Jairam Dass, no. 828, d. 1.3.15.
Letter to the Dist Jail, Delhi, No 840 dt- 2.3.15.

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Pro. No. 384.

~~Telegram to the Supt. Distt. Jail, Ambala, No. 864, dated the 3rd March 1915.~~

20

~~Endtt. to the Supdt. Distt. Jail, Delhi, No. 870, dated the 4th March 1915.~~

Pro. No. 384

Pro. No. 385.

Telegram from the Secretary of State, d/ 3-3-15.

Letter from the Supdt. Distt. Jail, Delhi, No. 365, dated the 3-3-15.

Submitted for information. The Supdts. of the Delhi amd Ambala Jails have already been told that the executions will not be carried out until the decision of the Privy Council is known with regard to the admission of appeal.

Para. 4 of the Secretary of State's telegram is being considered separately on another file which has been submitted to Deputy Secretary today.

A reply is due to the Secretary of State regarding his enquiry about the petitions for mercy addressed to the Government of India which are still under consideration of the Hon'ble Member.

(Copies of the committal order and the Sessions Judge's judgment in the case have already been sent to the Secretary of State and copies of the Chief Court's judgment will be sent today).

Ref. is to the jail Court as regards Supdt Ambala jail

H.L.,
4-3-15.

R.D'A,
4-3-15.

The first step is to take action on par[illegible] the telegram.
We might wire to Ambala Jail " Contir[illegible]

telegram 864 3rd March Basant Kumar.

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R.No. ~~1620 Poll.~~

Pro. No. 379

From the Supdtt. Distt. Jail, Ambala, No. 213, dated the 28th February.

A draft telegram is submitted for approval. (The main file is with the Hon'ble Member).

Coffmn
3.3.15

118
3/3
Rose
3/3/15

D.O.

Pro. No. 380.
Pro. No. 381
Pro. No. 382.

Telegram to the Superintendent, District Jail, Ambala
~~Delhi~~, No. 864, dated the 3rd March 1915.
Memorandum from P.S.V. No. 374 d/ 3.3.15
~~Telegram from Raghunath Sahai, Pleader, d/ 3-3-15.~~
Letter
~~Telegram~~ from the C.C. Delhi, No.1396, d/ 3-3-15.

A draft telegram is submitted for approval. The

x fixed for 5th March.

Jail Superintendent has certified that the execution will not be carried out until the receipt of the Government of India's orders.

Sent a copy to Supt Delhi Jail
111/3/3 by endorsement. Coffmn
This will apply also to cases 3.3.15
of Balmokand & Ors Belari.

Pro. No. 383.

Telm to Raghunath Sahai, No 869 d/- 4.3.15
and endt to the Supt Dist Jail, Delhi,
No. 870, d/- 4.3.15.

The telegram to Mr. Raghunath Sahai, Pleader, has issued. The endt: to the Supt, District Delhi, is submitted for appl, with a ft for signature
Coffmn
Rose 4/3

D.O.

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impossible to hang the persons whose appeal is pending and will be heard if they are still alive." The executions have accordingly been postponed. I will let you know the further progress made in the disposal of these petitions, as the Secretary of State reports it.

Yours sincerely"

After issue the file should be submitted to H.M. with reference to para. 3. If there is no likelihood of a decision being arrived at on the petition for mercy before the result of the application to the Privy Council is known then perhaps we should send an ad interim reply to the Secretary of State.

The question raised in para. 4 is being taken up on a separate file.

C.W.E.Cotton, 5.3.15.

I think that the petitions for mercy ought to be considered in a few days from now, so long before the Privy Council hearing can come on.

5/3/15

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of Privy Council with regard to admission of appeal, execution fixed for eighth March should be postponed".

Issue and resubmit.

C. W. E. Cotton, 4.3.15.

Telegram to Supdt. Ambala Distt. Jail, no. 884, d.5.3.15.

Paras. 1 & 2. We should now inform the Punjab Government and Chief Commissioner, Delhi, by demi-official letter of the present position. -

"My dear Barron,
Hailey,

The following is from a telegram received yesterday from the Secretary of State with reference to the four accused under sentence of death in the Delhi-Lahore conspiracy case --

"To-day (3rd March) the Judicial Committee of the Privy Council gave preliminary hearing to Finlay on behalf of all four accused and decided that it would hear application for leave to appeal a fortnight after the materials have reached appellant's counsel. The Lord Chancellor observed: 'What view the executive may take of that is for the executive to decide. We make no order on this petition. It will simply stand over till a fortnight after the arrival of the transcription.' I consider that the Privy Cou

while technically making no order, have rer

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P.No. 40. 387
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Telegram from the Supdtt. Ambala Jail d/ 4-3-15.

Endtt. from the Supdt. Ambala Jail d/ 4-3-15.

Telegram from the Supdt. Ambala Jail d/ 5-3-15.

Telegram from Jairam Dass dated 6th March 1915.

No orders. Jairam Dass has already been informed that the execution of Balmokand will not be carried out until the decision of the Privy Council is known with regard to the admission of the appeal.

H
6/3

Rist
6/3

Crosthwaite
7.3.15

D.S.

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Rec'd 6.3.15

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PRIVATE SECRETARY'S OFFICE

6.3.15

VICEREGAL LODGE,
DELHI.

Dear Mr. Wheeler

The enclosed telegram has been received this morning. Would you kindly advise as to what reply if any should be sent & I will then ask for orders from Camp.

Yours sincerely

A. H. Thurkalp

Issue reply as drafted. C.W. Gordon 6.3.15

Issue reply as drafted C 8/3

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Home DEPARTMENT.

Political. BRANCH.

File No.

Serial No.

General, Diary or Regr. No. of letter replied to

Whether a reply is required or not

List of Enclosures

HEADING—

No. 904

Delhi, the 7th March 1915.

To

H.A.F. Metcalfe, Esq.,

Assistant P.S.V.

My dear Metcalfe,

In reply to your demi-official of ~~this morning~~ yesterday with regard to the enclosed telegram (which I return) it is a fact that executions have been postponed in the case of all the four men sentenced to death in the Delhi-Lahore Conspiracy Case, and a statement to that effect has been given to the Press and will appear in the issue of the Civil and Military Gazette ~~which is~~ was published at Lahore ~~today~~ yesterday.

In these circumstances any reply to this particular enquiry would appear to be unnecessary. It is unusual, I think, for in any case

Proceedings for

S. 6.

No.

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the P.S.V's office to furnish information of this sort to an individual newspaper.

Yours sincerely,

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C. INDIAN ...GRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.		Office Stamp.
Rs.	As.	DELHI 6 MR. 15 G.T.D.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Calcutta S	6	15	40	State X	42

Recd. here at 16 H. 55 M.

TO Home Delhi

28

following recd from editor hindustani lahore begins contradictory statement in papers kindly wire whether execution of all Delhi conspiracy case convicts postponed by his excellency or not ... will you kindly

N. B.—The name of the Sender, if telegraphed, is written after the text.

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C.

TELEGRAMS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.		Office Stamp.
Rs.	As.	

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Recd. here at H. M.

2

send necessary reply

P S Viceroy

28 A

N. B.—The name of the Sender, if telegraphed, is written after the text.

28-A

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B

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Reg. no. 1736 Poll

~~Telegram from P.S.V. 8 6/3/15.~~

29

~~For orders.~~ Please see Mr. Metcalfe's do. of the 6th instant (with which was enclosed the copy of this same telegram which was delivered at Delhi at P.S.V.'s office), & Dy Secy's reply thereto. No reply need now be sent to the Editor of Hindustani, the infn. supplied to the "C. & M. Gazette" having been published.

HH 8/3

RSA 8/3/15

A.W. Fenton 9. 3. 15

D.S.

Submitted as desired by Deputy Secretary vide his marginal note on page 10 ante. The main file is with the Hon'ble Sir Ali Imam.

HH 15/3

Thanks. Please resubmit on 20th.

A.W. Fenton 15. 3. 15

RSA 15/3

D.S.

Submitted. The file is still with Sir Ali Imam. Resubmit on 23rd.

HH 20/3

RSA 20/3

A.W. Fenton 20. 3. 15

D.S.

Submitted.

HH 20/3

The file has been returned & is being separately submitted to H.E. A duplicate of the telegram for Secy. of State of the 3rd Mt. be placed on that file.

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Dme.

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II-30

THE DELHI CONSPIRACY CASE.

We are not concerned with the findings of the Courts, and the law as applied by them. It is quite impossible for us to attempt to try over again on the records the question whether the condemned prisoners, with whom we are concerned, were or were not rightly found guilty of a criminal conspiracy to commit murder. But we can have all the more confidence in the findings of the Courts by reason of the very close scrutiny of the evidence which their judgments showed that they made, and by the manner in which the benefit of the doubt as to the degree of their complicity was given to certain of the accused both by the Sessions Judge and the Chief Court. Furthermore, as regards the evidence of Dina Nath, I can personally attest how it was the revelations made by him that gave the police the clue to the other prisoners, and the existence of the conspiracy, and led to discoveries, and that any suggestion that it was the other way and that the police having invented

as

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ascertained certain facts thereupon tutored Dina Nath to support them, is utterly untrue and absurd. The Courts have decided that Dina Nath's story is corroborated and can be relied upon.

The only question is whether any of these ~~men condemned~~ men deserve clemency.

So far as Amir Chand is concerned, I can find nothing that can be said on his behalf. His very attainments are his worst condemnation. He is one of those corrupters and perverters of youngmen who have been responsible for making criminals out of human materials which might in other hands have been capable of good. He was an advocate of wholesale murder, though he preferred to carry out his precepts through tools and dupes. While professing philanthropic sentiments and imposing upon simple minds like the Missionaries of the Cambridge Mission, he was harbouring and furthering murderous projects, training and giving shelter to the bomb-throwers, and hiding in his house materials of bombs

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bombs. Whatever clemency might be possible to any of the lesser men, none is merited by Amirchand.

As regards Abad Bihari, he was the most intimate of all with Amirchand, and he took the most active part both in ~~pursuing~~ planning and executing the Lahore outrages, though he left the most dangerous part of all to the younger man Basanta. He was in the conspiracy in the fullest degree. I am aware that the police officers connected with the case did obtain from him some information and some corroboration of Dina Nath's statements, which they found useful, and that on that account they will look with more favour upon clemency shown to Abad Bihari than to any of the others. But when considering the case of dangerous criminals like this man, the only justification for clemency would be that the man concerned was willing, if his life was spared, to make a clean breast of his crimes, and to tell all he knew about this and other crimes that have been perpetrated. It may be that he shrinks from the reprobation attaching to informer, or that some sense of honour

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among thieves restrains him; but if he is willing to give any information secretly to the police, and is not willing to give it openly, this can only mean that his ~~share~~ sense of loyalty to his fellow criminals is not entirely genuine, and that he does not mind injuring them so long as it is not known that he has done so. If his life be spared, there is absolutely no guarantee that the information that he will secretly give will be either true or useful, and unless he gives that information unreservedly, I do not feel that there is justification for sparing his life. On the record, as it stands, there is no case for clemency.

The third man to be considered is Balmakund As a leading member of the conspiracy, and as having actually kept possession of bombs in Lahore, the Courts have considered that he is not entitled to the comparative leniency shown to Balraj and Hanwant Sahai. He is not, however, directly concerned with the Lahore murder as were Basanta and Abad Bihari, andhe has not been the leader and mentor of assassins like Amir Chand, though it was he who obtai

NATIONAL ARCHIVES OF INDIA

situation for Basanta Kumar. Of all the four who have been sentenced to death, the case for a capital sentence in perhaps a shade ~~xxx~~ less strong in the case of Balmakund than in the case of the others; but that is all that can be said.

The last case to be dealt with is that of Basanta. I disagree in toto with the Sessions Judge who sentenced him to transportation for life, because he was young, and was less well educated and of a less social position than the rest. The Chief Court have on revision imposed the capital sentence. I think that this class of conspirator belongs to a type which deserves mercy only when there is full confession. Basanta is thoroughly hardened; even now he denies everything and says that the case against him is mere police concoction. It would be a most dangerous doctrine to encourage that any youngman who is ~~taught~~ brought up to throw the bomb should be regarded as a tool, and an object of special commiseration and mercy. I regard Basanta as absolutely hardened callous, in no way penitent, and i

NATIONAL ARCHIVES OF INDIA

way sensible of the enormity of his crime. It is quite true that if Basanta is hanged his name will be included in the list of martyrs beginning with Khudi Ram Bose; nevertheless I hold that the supply of bomb throwers is likely to be increased if mercy is shown. More people ~~appeared~~ martyrs than desire to imitate them. There is in his case the sort of sentiment that, having in the original Court escaped the death sentence, his sentence should not be enhanced by a Higher Court. But the ~~ax~~ law allows it, and the Court has awarded it. And this is a kind of sentiment to which I would not yield. Only one circumstance could now affect the issue, and that would be a full confession voluntarily tendered regarding the Delhi outrage. Of this I am informed that there is no chance at all.

Finally, viewing the case a whole, it is quite true that the Alipur conspirators were more leniently dealt with, and not one of them was hanged. But what has been the result of the clemency shown by the Courts in those cases? The leaders with life sentences in the Anda[illegible] have shown no signs of penitence; they

NATIONAL ARCHIVES OF INDIA

still glory in their deeds. When given some degree of liberty they at once started a fresh conspiracy of murder. If they were set at liberty now, they would resume their wicked plotting.

Those of the gangs who on very slender grounds escaped conviction have learnt no lesson and are so deep as ever in their murderous campaign. The indulgence shown to the Khulna gang at the instance of H.E. the Viceroy, did not save the Viceroy himself from the attack that was so nearly successful.

The hearts of the anarchists are not touched by indulgence, and though conspirators to commit murders, as distinct from actual murderers, have not been dealt with by the Courts in Bengal with the severity that their crimes deserved, I do not think that we should follow here that example.

We will probably never prove to conviction in a court the Delhi outrage against its actual perpetrators, but we have moral certitude, and the country at large knows that in this gang of conspirators we have those who planned that distardly outrage. 46

NATIONAL ARCHIVES OF INDIA

For all these reasons, I would reject the petition of the condemned men, and allow the law to take its course. They have been duly sentenced, their crime merits it, and the state of the country requires it.

RHH

8-3-'15.

NATIONAL ARCHIVES OF INDIA

It is His Excellency's wish that these four petitions should be considered by the Hon. Home and Law Members.

The Hon'ble Sir R. Craddock has noted his views above and the papers are sent to the Hon'ble Sir Ali Imam.

It is not intended to issue any orders pending the completion of the Privy Council proceedings, but it will expedite matters hereafter if the appeals for mercy as such are disposed of meanwhile.

H. Wheeler, 8-3-15.

Hon. Sir Ali Imam.

I have had to detain this file for some length of time as the voluminous record of this case necessitated extensive reading and examination.

It is true that we are not ordinarily concerned with probing the findings of the courts when we are satisfied that the trial has been conducted before judges of ability and experience, yet we are not freed from the duty of satisfying ourselves as to whether or not the evidence discloses anything that might be urged in favour of the petitioner who appeals for mercy. In the present case, the careful sifting and weighing of the evidence as against each accused by the Sessions Judge and the Court of App[illegible] satisfies me that a fair and impartial tri[illegible]

NATIONAL ARCHIVES OF INDIA

held and that the conclusions arrived at as regards the guilt of the petitioners are sound. The only case in which a difference of opinion as to guilt has arisen between the Sessions Judge and the Chief Court is that of Charan Das who was acquitted by the former but has been found to be guilty by the latter and sentenced to transportation for life. I am aware of the reluctance of Judges to act on the retracted confession of an accused and sympathise with the Sessions Judge, but on an examination of the reasons urged by the judges of the Chief Court I have also come to the conclusion that there is sufficient evidence on the record to justify the holding of the confession to have been voluntary and true. In the circumstances the guilt of Charan Das must be held to have been established.

As to the sentences, it is quite evident that in a case of this sort where people enter into a diabolical conspiracy to murder innocent and unoffending subjects of the King and in carrying out the object of the conspiracy murder is actually committed, exceptional ground must be forthcoming for the exercise of mer[illegible]. No such ground exists in the present case. [illegible] the contrary it is evident that the accused [illegible]

NATIONAL ARCHIVES OF INDIA

desperate conspirators who have ruthlessly carried on their nefarious designs for a long period of time without any the least sign of remorse or penitence. I am unable to find anything on the record in respect of any one of the petitioners justifying leniency on the part of the Governor General in Council. As to the particular case of Basanta Kumar, the Sessions Judge was mercifully disposed towards this prisoner, but the grounds put forward by him have been completely demolished by the Chief Court. Neither his so called youth, nor his humble position in the rank of the conspirators can reasonably be accepted as an extenuating circumstance. He is directly connected with the outrage at Lahore in which one innocent man was killed and he knew full well that he was acting in a manner that would result in murder.

On a careful consideration of the whole case I am unable to hold that this is a fit case for the exercise of mercy. The petitions of all the prisoners should be rejected.

S. A. I(mam), 25-3-15.

The above note by the Hon'ble Sir A. Imam is for information. As both Hon. Members are in agre[illegible] is understood that the death sentences

NATIONAL ARCHIVES OF INDIA

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His Excellency however, should see for information. (It was his desire that the memorials should be dealt with by the two Hon'ble Members.)

It would also be as well to inform the Secretary of State that although no orders would issue until the decision of the Privy Council was known it was the intention of the Governor General in Council, should the Privy Council decline to interfere to reject these petitions for mercy.

H. Wheeler, 25-3-15.

R. H. H(addock), 25-3-15.

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Summary

This file deals with petitions for mercy on behalf of Amir Chand, Abad Behari and Bal Mokand who were sentenced to death by the Sessions Judge in what is known as the Delhi-Lahore Conspiracy Case and whose sentences were confirmed by the Chief Court of the Punjab, and of Basanta Kumar Biswas in whose case the sentence of transportation for life imposed in the same case by the Sessions Judge was enhanced to one of death by the Chief Court.

2. The general outlines of the case are well known. The judgment of Justices Johnstone and Rattigan deal exhaustively with all the aspects. In particular the portions of Sir D.C. Johnstone's judgment dealing with these individual memorialists may be read. By the wish of His Excellency these memorials have been considered by the Hon'ble the Home and Law Members whose views will be found at pages 15-22 and 24-27 supra. They concur in holding that no ground for clemency exists in the case of any one of the four prisoners and that if their petitions for a further judicial hearing at the hands of the Privy Council fail, the law sh[illegible] take its course.

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3. The papers are submitted for His Excellency's information, although no orders will issue until the result of the reference to the Privy Council is known. But with reference to the Secy. of State's inquiry in his telegram of the 3rd March, it is proposed to advise him of the intentions of the Governor General in Council, should the Privy Council decline to interfere with these petitions for mercy.

P.S.V.

H Wheeler
25-3-15.

C. 26-3-15

Pro. no. 391.

Telegram from the Secretary of State dated the 25th March 1915.

Can be answered when informing Secretary of State that memorials are to be rejected.

Sd. C.W.E. Cotton, 26-3-15.

A draft telegram is submitted for approval.

C.W.E. Cotton
27.3.15

Sec. H Wheeler
18.M 27 3

26/3
27.3.

Pro. no. 392 Telegram to the Secy. of State, no. 71

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CHIEF COMMISSIONER DELHI

H.D. 2257 - Poll.
29/3/15

44-47
A

27.3.15

My dear Wheeler.

I do not know whether it is necessary for a local administration to make any arrangements for the defence of a case before the Privy Council, or if the Sec.y of State does this. I presume the latter, and hope that it will not

Say that we have already invited the Secy of State to inform us whether he wishes any assistance in the matter and as he has sent no reply it is presumed that, at present, at any rate there is nothing more to be done

H Wheeler
29.3.15

D

Draft submitted for approval.

30.3.15.

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W Thrott Crawley
31/3

30/3/15

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Home DEPARTMENT.

Political BRANCH.

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File No.

Serial No.

General, Diary or Regr. No. of letter replied to } W.t 2257

Whether a reply is required or not }

List of Enclosures

HEADING—

D.O. No. 1189

Simla, the 1st April 1915.

To

W.M.Hailey, Esq. C.I.E.

C. C. of Delhi.

My dear Hailey,

In reply to your demi-official letter of the 27th. instant enquirying if there is any necessity for the Local Administration to make any arrangements for the representation of the Crown at the hearing ~~of the Delhi Conspiracy case~~ before the Privy Council, I am desired to say that the Secretary of State has already been ~~xxfax~~ invited to inform us whether he wishes any assistance in the matter and as he has sent no reply it is assumed that, at present, at any rate there is nothing more to be done.

Yours

31/3

No.

Proceedings for

S. 6.

NATIONAL ARCHIVES OF INDIA

Pro. no. 393. Letter from the India Office, no. J & P. 1068, of 19th March 1915

For information. A copy may be sent to the Govt. of the Punjab and the C.C. of Delhi for information. Draft submitted.

Ack 17.4.15 (From the Secy of State's telegram of the 25th March it will be seen that it was then understood that the Privy Council wd not begin the hearing of the petition before April 15th at the earliest).

AJ 17/4

D.S. If we do not hear anything about the further hearing in the Privy Council say by the 20th, it is for orders whether we shd not inquire of telegram of the Secy of State if there is any likelihood of further delay occurring - with reference to his telegram of the 25th March.

Corresp. p. 84

[signature]
17.4.15

Sedy

Yes; I think we should do so. Meanwhile send copy to the Punjab & Delhi as proposed.

H Wheel
18.4.15

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NATIONAL ARCHIVES OF INDIA

Pro. no. 394 Letters to the Govt of the Punjab, and to the C.C. of Delhi nos 1344, 1345 dt 19.4.15.

48

Please see the notes on preceding page.

A draft telegram to the Secretary of State is submitted.

R.D.A.
20.4.15

A.G. Cotton
21.4.15

Secy

AJ
20/4

D.S. May be approved without troubling His Excellency

H. Wheeler
21 4 15

H.M

Mtt
21/4/15

Will Registrar, P.S.V.'s Office, please have the telegram issued?

AJ
22/4

The telegram has been issued and 2 copies are placed in the file.

R.E.A.
23.4.

Pro. no. 395 Telegram to the Secy of State No 446 dt the 2nd

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Pro. no. 396 – Telegram from the Secy of State, dt. 26th April 1915

For information. A report of the result of the hearing may be awaited

Rsd
27/4/15

[illegible]
28.4.15

DS.

Pro. no. 397. Telegram from the Secy of State, dt. 28th April 1915

Please see the summary on pages 27-28 ante. The Privy Council having dismissed all the petitions for special leave to appeal orders have now to issue to carry out the executions. Amir Chand, Balmokand and Abad Behari are confined in the Delhi District Jail and Basanta Kumar Biswas in the Ambala District Jail. The usual draft telegrams and letters to the Jail Superintendents are put up. They are being asked to wire the dates fixed for the executions in each case. The telegrams have been endorsed to the Punjab and Delhi as usual, who are being informed of the rejection of the petitions by the Privy Council. His Excellency shall be after issue

Thro' Jud. Branch

Rsd
29.4.15

[illegible]
29.4.15

Sec'y
H.M

H Kheele
30.4.15

E8

[illegible]
30/4/15

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Pro. no. 398. Telegram to the Supdt. Distt. Jail Delhi no.1450 & Endts to Punjab & Delhi, nos 1458, 1460, d. 30.4.15.

" " 399 Telegram to the Supdt. Distt. Jail Delhi no.1451 & Endts to Punjab & Delhi nos 1461, 1462, d. 30.4.15.

" " 400 Telegram to the Supdt. Distt. Jail. Delhi no.1452 & Endts to Punjab & Delhi, nos 1463, 1464, d. 30.4.15.

" " 401 Telegram to the Supdt. Distt. Jail, Ambala no.1453 & Endts to Punjab & Delhi, nos 1465, 1466, d. 30.4.15.

~~Endts. to the Govt. of the Punjab and the C.C. of Delhi. nos. 1459, 1460, d. 30.4.15.~~

~~Endts. to the Govt. of the Punjab and the C.C. of Delhi. nos. 1461, 1462, d. 30.4.15.~~

~~Endts. to the Govt. of the Punjab and the C.C. of Delhi. nos. 1463, 1464, d. 30.4.15.~~

~~Endts. to the Govt. of the Punjab and the C.C. of Delhi nos. 1465, 1466 d.30.4.15.~~

Pro. no. 402 Letter to the Supdt. Distt. Jail, Delhi. no. 1467. dated 30.4.15.

" " 403 Letter to the Supdt. Distt. Jail, Delhi. no.1468 d. 30.4.15.

" " 404 Letter to the Supdt. Distt. Jail. Delhi. no.1469 d. 30.4.15.

" " 405 Letter to the Supdt. Distt. Jail. Ambala. no.1470 d. 30.4.15.

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Pro.no.406 Telegram from the Supdt. Distt.Jail,Delhi,d. 1.5.15.

" " 407 Telegram from the Supdt. Distt.Jail,Ambala, d. 1.5.15

" " 408 Telegram from the Supdt. Distt. Jail,Delhi, d.1.5.15.

I. and II. No orders.

III. For information. No orders.

R.D'A. 1.5.15.

A.L. 1.5.15.

H. Wheeler, 2.5.15.

Pro.no. 409 Telegram from the Supdt. Distt. Jail, Ambala,d.1.5.15

" " 410 Endt.from the Supdt.Distt.Jail,Ambala,no.529,d.1.5.15

" " 411 Endt.from the Supdt.Distt.Jail,Ambala,no.532,d.1.5.15

" " 412 Letter from the Supdt.Distt.Jail,Ambala,no.530,d.1.5.15

I & III. A prayer for mercy from Basant Kumar Biswas. No orders. The convict has submitted a separate petition to H.M. the King.

II. A post copy of a telegram. No orders.

IV. A memorial to H.M. the King. It may be withheld and the Supdt. Distt. Jail, Ambala, requested to inform the petitioner accordingly and to carry out the sentence on the date fixed. Drafts submitted in the usual form.

2. His Excellency has yet to see the Secr. of State's telegram dated the 28th ultimo

appendix

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Draft summary submitted. On return from His Excellency, the Hon'ble Sir Ali Imam may see in continuation of his note d. the 25th March 1915.

R.D'A. 3.5.15.

A.L. 3.5.15.

Issue as drafted and then submit file to His Excellency.

H. Wheeler, 4.5.15.

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SUMMARY.

Notes, p. 88.

Corres. p. 92.

Corres. pp. 93-100

His Excellency last saw this case on the 26th ultimo. The Secretary of State has since intimated that the Privy Council, on the 28th April 1915, dismissed all the petitions for special leave to appeal submitted by the accused in the Delhi-Lahore conspiracy case. In informing the Superintendent of the Delhi and Umballa District Jails and the local Governments concerned accordingly, they have been told that the Governor General in Council declines to interfere on the petitions for mercy submitted by the convicts.

In acknowledging receipt of the orders the Jails concerned have intimated that -

Amir Chand
Abad Bihari, and
Balmokand

will be executed on the 8th May at Delhi, and Basant Kumar Biswas on the 10th May at Umballa.

P.S.V.

4-5-15

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Pro. no. 413 — Telegram to the Supdt. Distt. Jail, Ambala, no. 1503, d. 4.5.15 and endts. to the Govt. of the Punjab and the C.C. of Delhi nos. 1504, 1505 d. 4.5.15.

Pro. no. 414. — Letter to the Supdt. Distt. Jail, Ambala, no. 1506 d. 4.5.15.

P. S. V.

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Pro. no. 415 Endt: from the Supt, Dt. Jail, Delhi, no: 713, dt. 1st May 1915
" " 416 " " " " , " " , " , " 717, " " " "

No orders. (Will be placed on the main file when it returns from H.E.)

Rd'd 3.5.15

AJ 4/5

U.S.

W. Bradley Granville 7/5

Pro. no. 417 — Telegram from the Supt, Dt. Jail, Ambala, dt. 4th May 1915

No orders. In the telegram from the Supt. Distt. Jail Delhi dt 1st May/15 it was stated the three prisoners proposed to take time to submit appeals for mercy to the King-Emperor. Upto date no such petns have been received. They are to be hanged tomorrow.

Rd'd 6/5/14

AJ 7/5

Public Section has got to ... vide pencil note in margin of page 36

U.S.

Rd'd 7/5

... noted.

W. Bradley Granville 7/5

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Pro. no. 418 I Letter from the Supt, Dt. Jail, Delhi, no: 728, dt. 4th May 1915

" " 418 II Endt: " " " , " " , Ambala, " 548, dt. 5th " "

No orders

Rosa
8/5/15

[illegible]
8/5

[illegible]
1915

E.S.

B (Very Early)
19/5

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Appendix to Notes

No. 28.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

Simla, the 27th August 1913.

OFFICE ORDER.

The following procedure is laid down for the guidance of the office in dealing with petitions for mercy from convicts under sentence of death who belong to the province of Delhi :—

Petitions received by the Government of India through the Superintendent, Delhi District Jail.

(1) When the records of a case are received from the Chief Court, Punjab, they should be submitted for the information of the Deputy Secretary with a draft telegram to the Superintendent, Delhi District Jail, inquiring what date has been fixed for the prisoner's execution. The records should then be kept in suspense until either (*a*) a petition for mercy has been received and disposed of; or (*b*) the date of execution has passed. The records should then be returned to the Chief Court, under the orders of the Deputy Secretary.

(2) On receipt of a petition for mercy through the Superintendent, District Jail, Delhi, it should be submitted with the records, not more than twenty-four hours later, with a note whether any communication from the Chief Commissioner, Delhi, has been received, and if no such communication has been received, with a draft letter or telegram to the Chief Commissioner enquiring if he has any remarks to offer.

(3) Where such a reference is found necessary, the Chief Commissioner's reply should be submitted to the Deputy Secretary immediately on receipt, together with the records and the petition for mercy.

(4) After issue of orders on each case their acknowledgment by the Superintendent of the Jail should be awaited : and if none is received within two days the Jail Superintendent should be sent an urgent reminder.

Petitions addressed to His Majesty the King-Emperor or the Secretary of State.

(5) If after a petition is rejected by the Government of India, a petition addressed to the King-Emperor or the Secretary of State is received through the Jail Superintendent or direct from the prisoner or his friends, the file should be submitted for orders, with the suggestion that the memorial should be withheld and the Superintendent of the Jail requested to communicate the orders to the petitioner.

(6) After the necessary orders have issued, the memorial should be entered, by the Public Section, in the quarterly list of memorials withheld by the Government of India, which is submitted to the India Office.

Petitions addressed to the Government of India direct.

(7) On receipt of a petition direct (and not through the Superintendent, Delhi District Jail) from or on behalf of a prisoner, it should be at once submitted to the Deputy Secretary with the records, if received from the Punjab Chief

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Court. If the records have not been received there may be a doubt whether the prisoner belongs to the province of Delhi and a letter or telegram will, in the first instance, be sent over the signature of the Deputy Secretary to the Superintendent, Delhi District Jail, informing him of the receipt of the petition, and asking whether the prisoner belongs to the Province of Delhi, and, if so, to stay execution, and to intimate at once that this has been done. On receipt of the Superintendent's reply, if the prisoner belongs to the Delhi province, a telegram should be sent to the Chief Court for the records, if not meanwhile received, and a copy of the petition should be sent, under the Deputy Secretary's orders, to the Chief Commissioner, Delhi, who should be asked to intimate, if necessary, by telegraph, whether he has any recommendations to make.

(8) The forms annexed should ordinarily be used in disposing of these death sentence cases.

C. W. E. COTTON,

Deputy Secretary to the Government of India.

519HD—50—20-9-13—GCBP Simla

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To

Pro. No. 345.

The Secretary,

Home Department,

Government of India,

D e l h i.

Sir,

I beg to inform you that a petition under Section 401 Criminal Procedure Code praying for suspension of sentence of death passed upon Bal Mukand, accused No: 4, in the Delhi Conspiracy case, has been sent to the Hon'ble the Chief Commissioner of Delhi for being forwarded to His Excellency the Viceroy and Governor General of India in Council which, I trust, will reach His Excellency in due course through the proper channel.

I beg to enclose herewith a copy of the same for your information and hope it will be found in order.

I have the honour to be,

Sir,

Your most obedient servant,

Gokul Ch. Narang

Advocate

for Bhai Jairam Das,

brother of Bal Mukand convict.

Bhai Jai Ram Das

Dated Lahore :

the 15th February 1915.

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To

His Excellency the Viceroy & Governor General
of India in Council,

Through

The Hon'ble the Chief Commissioner
of D E L H I.

In re:

Bal Mukand . . . . . Appellant.

Versus

The Crown . . . . . Respondent.

(Delhi Conspiracy Case).

The humble petition of Bhai Jairam Das under Section 401 Criminal Procedure Code most respectfully sheweth :-

1. That Bal Mukand, the younger brother of the Petitioner, was an accused in the Delhi Conspiracy Case, and was con-victed and sentenced to death by the Additional Sessions Judge of Delhi on the 5th of October 1914.

2. That the said Bal Mukand appealed to the Hon'ble the Chief Court Punjab and his appeal was rejected on 10.2.15, and the sentence of death on him was confirmed.

3. That there are several important questions of law involved in the case which have not been properly decided by the Chief Court.

4. That the petitioner intends to appeal to His Most Gracious Majesty the King in Council and instructions to that effect have already been sent to an Advocate in London.

5. That it will take some time before an order from the Privy Council can be obtained staying the execution of the sentence pending the decision of the appeal.

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6. It is, therefore, earnestly and most respectfully prayed that the execution of the sentence may be suspended to allow sufficient time to the petitioner to obtain an order from the Privy Council for the suspension of the sentence.

Bhai Jai Ram Das

Bhai Jairam Das,

Dated Lahore: brother of Bal Mukand convict.

The 15th February 1915.

Through Muhd. Nawaz

Advocate,

Chief Court Punjab, Lahore.

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Pro. No. 346.

HOME DEPT
GOVERNMENT OF INDIA.
Branch
Regr No
Entered
Poll: 123
16/4/15.

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No. 1051. Home.

From,

W. M. Hailey, Esquire, C.I.E., I.C.S.,

Chief Commissioner, Delhi.

To,

The Secretary to the Government of India,

Home Department, Delhi.

Home.

Dated Delhi, the 16th of February 1915.

Sir,

I have the honour to forward, herewith an original for the orders of the Government of India a petition received from Bhai Jairam Das on behalf of Bal Mokand a convict in the Delhi conspiracy case, asking for a stay of execution pending the result of an appeal to the Privy Council.

2. I do not read the orders conveyed in Government of India letter No. 1190 of 9th August 1913 as authorising me to stay execution in cases in which persons have been sentenced to death, and I have therefore refrained from passing any orders in this case. A copy of this letter is being sent to the Superintendent of the Jail.

I have the honour to be,
Sir,
Your most obedient servant,

Chief Commissioner.

(M.Khan).

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To DIARY No. ~~Pro. no.~~ 1022 8/16.2.15 63

His Excellency the Viceroy & Governor General
of India in Council,

Through

The Hon'ble The Chief Commissioner
of D E L H I.

In re:

Bal Mukand . . . . . Appellant.

Versus

The Crown . . . . . Respondent.

(Delhi Conspiracy Case).

The humble petition of Bhai Jairam Das under Section 401 Criminal Procedure Code most respectfully sheweth :-

1. That Bal Mukand, the younger brother of the Petitioner, was an accused in the Delhi Conspiracy Case, and was con--victed and sentenced to death by the Additional Sessions Judge of Delhi on the 5th of October 1914.

2. That the said Bal Mukand appealed to the Hon'ble the Chief Court Punjab and his appeal was rejected on 10.2.15, and the sentence of death on him was confirmed.

3. That there are several important questions of law involved in the case which have not been properly decided by the Chief Court.

4. That the petitioner intends to appeal to His Most Gracious Majesty the King in Council and instructions to that effect have already been sent to an Advocate in London.

5. That it will take some time before an order from the Privy Council can be obtained staying the execution of the sentence pending the decision of the appeal.

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6. It is, therefore, earnestly and most respectfully prayed that the execution of the sentence may be suspended to allow sufficient time to the petitioner to obtain an order from the Privy Council for the suspension of the sentence.

Bhai Jairam Das,

Dated Lahore: brother of Bal Mukand convict.

The 15th February 1915.

Through Gokul Chand Narang

Advocate,

Chief Court Punjab, Lahore.

NATIONAL ARCHIVES OF INDIA

Pro. no. 347

HOME DEPT
GOVT OF INDIA. 65
Poll: 1232
16/2/15.

No. 1053 Home.

From,

W. M. Hailey, Esquire, C.I.E., I.C.S.,

Chief Commissioner, Delhi.

To,

The Secretary to the Government of India,

Home Department, Delhi.

Home. Dated Delhi, the 16th of February 1915.

Sir,

In reference to the orders conveyed in Government of India letter No. 1190 dated 9th August 1913 (Home Department), I have the honour to forward herewith in original a petition received direct by me from L. Rughunath Sahai on behalf of Amir Chand, a convict in the Delhi conspiracy case.

ual A Aug 913 Nos 115-118.

I have no observations to make on the subject of the appeal.

I have the honour to be,

Sir,

Your most obedient servant,

W M Hailey

Chief Commissioner.

(M.Khan).

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To

The Hon'ble Mr. William Malcalm Hailey,
B.A., C.I.E., I.C.S.,
The Chief Commissioner of Delhi.

The petition of Amir Chand prisoner under Section 401 Criminal Procedure Code, most respectfully showeth as follows :-

1. That the petitioner an old man of 46, belonging to the Bania Community and an inhabitant of Delhi was placed on his trial in the Court of the Additional Sessions Judge of Delhi on a charge of conspiracy to commit murder.

2. That after a protracted trial Mr. Harrison the learned Additional Sessions Judge Delhi agreeing with the Assessors by his order dated 5th October 1914 convicted the petitioner and sentenced him and others to death.

3. That the petitioner and others appealed to the Chief Court of the Punjab against the said conviction and sentence passed by the learned Additional Sessions Judge.

4. That the hearing of the appeal in the Chief Court before the Hon'ble Sir Donal Johnston and Mr. Justice Rattigan commenced on the 4th January 1915 and was concluded on the 26th January 1915 and their Lordships after hearing arguments on behalf of the prisoners and the Crown reserv-ed judgment and that on 10th February 1915 affirmed the conviction of the prisoner and confirmed the sentence of death.

5. That the petitioner without criticising the decision of the highest legal tribunal ventures to submit, that Your Honour may be pleased to take into favourable considera-tion the patent and admitted facts of the case and may

NATIONAL ARCHIVES OF INDIA

be pleased to consider the case of this condemned prisoner a fit one for the exercise of the prerogative of mercy for the commutation of the death sentence passed upon him.

6. That the petitioner most respectfully submits that in the whole record of the lengthy case there is no evidence that the petitioner took any part whatsoever in the alleged

(a) Agarwal Ashram Meeting in October 1912 where the conspiracy is said to have been organised;

(b) the May (1913) liberty leaflets;

(c) the Lahore Bomb outrage where the murder of the un-fortunate man Ram Padarth took place in May 1913;

(d) the issue of the July (1913) liberty leaflets,

and that the Hon'ble Sir Donal Johnston in the course of his judgment in which the Hon'ble Mr. Justice Rattigan concurred while convicting the prisoner remarked as follows :-

> "Ninthly, it may be conceded that Amir Chand had no direct part in the meeting of October 1912 or the Lahore Bomb outrage or the May leaflets".

7. That there is no evidence that your petitioner was a member of this criminal conspiracy before the 17th May 1913 when the Lahore Bomb outrage took place.

8. That the Hon'ble Mr. Justice Rattigan while dealing the general case remarked as follows :-

> "Chatterji deposes that among the names of Har Dayal's disciples which he gave to Rash Behari Bose was that of Amir Chand and it is I think a fair inference from the fact that Rash Behari Bose lost no time in making the acquaintance of Dina Nath that he would have been prompt to make the acquaintance of Amir Chand a man of some

NATIONAL ARCHIVES OF INDIA

some importance and influence in Delhi. The question arises whether he took advantage of Chatterji's reference to Amir Chand as a friend or (to use the expression so frequently referred to in the evidence) as an <u>achha admi</u>, upon this point I can have no doubt".

9. The Hon'ble Sir Donald Johnston remarked in his judgment (in which the Hon'ble Mr. Justice Rattigan concurred) as follows :-

> "Twentieth, it is urged that at the most Amir Chand only became member of the conspiracy in November 1913 and then only of a conspiracy to disseminate seditious literature. In my opinion, however, the intimacy with Rash Behari Bose and Dina Nath and Har Dayal, the harbouring of Abad Behari, the training of Sultan Chand and Ram Lal and coming and going of conspirators to his house take Amir Chand's connection with conspiracy much earlier and show that he was a member before October 1912".

The petitioner submits that

(a) Intimacy with Rash Behari Bose cannot be said to have begun before January 1914 when Rash Behari first met Amir Chand. There being no evidence at all that Rash Behari Bose and Amir Chand met before this time.

(b) Dina Nath did not see Amir Chand after 1908 till September 1913 when even he would not discuss his party with Abad Behari in the presence of Amir Chand according to Dina Nath's own statement (Sessions printed record page 21 line 8.10.), this fact goes to show that Amir Chand was not a member of conspiracy till September 1913.

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(c)

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(c) Har Dayal left India in 1908 and never returned since, there is absolutely no evidence that Har Dayal corres--ponded with Amir Chand since 1908.

(d) It has been admitted that the petitioner took fatherly interest in Abad Behari, but had no criminal intimacy.

The fact that the Agarwal Ashram Meeting took place in October 1912, the first leaflets were issued in May 1913 and the Lahore Bomb outrage took place in May 1913, all the time Abad Behari was not in Delhi with Amir Chand but in Lahore, and also

The fact that Dina Nath and Rash Behari's letters signed M.S. and K.P. and telegram signed S.M. were all addressed to Abad Behari and not to Amir Chand go to show that Amir Chand had no criminal intimacy with Abad Behari, at least before 17th May 1913.

(e) There is no evidence that Sultan Chand was being trained by Amir Chand as a conspirator. But there is evidence to the contrary that Sultan Chand even kept secret from Amir Chand the fact of the three liberty leaflets being given to him by Abad Behari according to Sultan Chand's own statement (see page 296 line 4), and it is not improbable that he would keep his own views secret from his adoptive father.

Even this incident happened after June 1913 after Abad Behari had come back to Delhi from Lahore after the Lahore Bomb outrage. It would in no case connect the petitioner with the conspiracy before 17th May 1913.

(f) Ram Lal according to the story of the prosecution came to Delhi in or after October 1913. There is the evidence of the prosecution witnesses the father and brother of Ram Lal that in the early part of Octr.

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1913 he left Jaipur. According to Ram Lal himself he came to Delhi in December 1913 or January 1914. Thus the training up of Ram Lal even according to the prosecution did not begin before October 1913 which facts even could not take Amir Chand's connection with the conspiracy back to make him a member of the conspiracy before 17th May 1913.

(g) The incriminating articles found in Abad Behari's boxes in the petitioner's house were found in February 1914 and no document bears any intrensic evidence to show that the petitioner was criminally intimated with Abad Behari before 17th May 1913 the date of the Lahore Bomb outrage, even the Ex: P. 23 M. is found by the Hon'ble Judges to have been written in January 1914 long after the Lahore Bomb outrage.

(h) That there is no evidence worth the name relied on by the Hon'ble Judge to connect the petitioner with conspiracy before November 1913 when the leaflets are stated by Dina Nath to have been sent by the petitioner to him.

(i) The fact that the petitioner was not known to Bal Raj, Bal Mokand or Basant Kumar goes also to show that he was not a member of the criminal conspiracy before the 17th May 1913.

(j) The third class ticket if even it be presumed was purchased for Rash Behari Bose and refund claimed by Amir Chand, would not go to show that Amir Chand was a member of the conspiracy before 17th May 1913 as the incident took place in February 1914.

(k) The fact that the Bomb cap found in Amir Chand's house was found in his house on 16th February 1914 would not go to show that he was a member of the conspiracy before 17th

NATIONAL ARCHIVES OF INDIA

17th May 1913 as the cap itself has been found to be made of a paper printed on 28th December 1913 or after.

10. That neither the Assessors nor the learned Additional Sessions Judge find that Amir Chand had joined the conspiracy before. the Lahore Bomb outrage.

11. That even if it be admitted that the statement of Bina Nath and other prosecution witnesses is quite true, still there is no sufficient evidence to show that Amir Chand had joined the conspiracy before 17th May 1913.

12. That Your Honour's petitioner begs most respectfully that Your Honour will be graciously pleased to take into your favourable consideration the admitted facts and the findings of the Hon'ble Judges of the Chief Court and especially the finding that Amir Chand had no direct part in the meeting of October 1912, the Lahore Bomb outrage or the May leaflets

13. That the petitioner therefore prays that in view of the aforesaid findings and circumstances that the sentence of death has been hanging over the unfortunate prisoner since the 5th of October 1914 and that he is an old man of 46 years age who has not many years more to live according to the average age of an Indian, Your Honour in exercise of the powers vested in you under Section 401 of the Code of Criminal Procedure and as an act of clemency may be pleased to commute the sentence of death passed upon the prisoner and stay the execution of the petitioner pending the consideration of this petition for mercy or pass such other order as may seem to Your Honour just and proper.

Raghunath Sahai
Pleader, Chief Court,
Lahore
for
Amir Chand.

NATIONAL ARCHIVES OF INDIA

Pro. No. 348.

Poll: 1244 17/4/15

No. 222 Home.

From,

The Hon'ble Mr. J. P. Thompson, I. C. S.,

Revenue Secretary to Government, Punjab.

To,

The Secretary to the Government of India,

Home Department.

Home/Judicial. Dated Lahore, the 16th of February 1915.

Sir,

As appeals for mercy from convicts sentenced by the Sessions Judge, Delhi, are it is understood dealt with by the Government of India, I am directed to forward for ---- disposal, a letter No. 129 dated 12th February 1915, from the Superintendent of the Ambala Jail, forwarding a petition for mercy from condemned convict Basant Kumar Biswas. A petition on behalf of Amir Chand prisoner who was ~~also~~ implicated in the same case is also forwarded for disposal.

I have the honour to be,

Sir,

Your most obedient servant,

J. P. Thompson.

Revenue Secretary.

(.R)

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NATIONAL ARCHIVES OF INDIA

To

CIVIL SECRETARIAT
16. FEB. 1915
LAHORE

The Hon'ble Sir Michael Franic O'Dwyer,
K.C.S.I., I.C.S.,
Lieutenant Governor Punjab in Council.

The petition of Amir Chand prisoner under Section 401 Criminal Procedure Code, most respectfully showeth as follows :-

1. That the petitioner an old man of 46, belonging to the Bania Community and an inhabitant of Delhi was placed on his trial in the Court of the Additional Sessions Judge of Delhi on a charge of conspiracy to commit murder.

2. That after a protracted trial Mr. Harrison the learned Additional Sessions Judge Delhi agreeing with the Assessors by his order dated 5th October 1914 convicted the petitioner and sentenced him and others to death.

3. That the petitioner and others appealed to the Chief Court of the Punjab against the said conviction and sentence passed by the learned Additional Sessions Judge.

4. That the hearing of the appeal in the Chief Court before the Hon'ble Sir Donal Johnston and Mr. Justice Rattigan commenced on the 4th January 1915 and was concluded on the 26th January 1915 and their Lordships after hearing arguments on behalf of the prisoners and the Crown reserv-ed judgment and that on 10th February 1915 affirmed the conviction of the prisoner and confirmed the sentence of death.

5. That the petitioner without criticising the decision of the highest legal tribunal ventures to submit, that Your Honour may be pleased to take into favourable considera-tion the patent and admitted facts of the case and may be

be pleased to consider the case of this condemned prisoner a fit one for the exercise of the prerogative of mercy for the commutation of the death sentence passed upon him.

6. That the petitioner most respectfully submits that in the whole record of the lengthy case there is no evidence that the petitioner took any part whatsoever in the alleged

(a) Agarwal Ashram Meeting in October 1912 where the conspiracy is said to have been organised;

(b) the May (1913) liberty leaflets;

(c) the Lahore Bomb outrage where the murder of the un-fortunate man Ram Padarth took place in May 1913;

(d) the issue of the July (1913) liberty leaflets,

and that the Hon'ble Sir Donal Johnston in the course of his judgment in which the Hon'ble Mr. Justice Rattigan concurred while convicting the prisoner remarked as follows :-

> "Ninthly, it may be conceded that Amir Chand had no direct part in the meeting of October 1912 or the Lahore Bomb outrage or the May leaflets".

7. That there is no evidence that your petitioner was a member of this criminal conspiracy before the 17th May 1913 when the Lahore Bomb outrage took place.

8. That the Hon'ble Mr. Justice Rattigan while dealing the general case remarked as follows :-

> "Chatterji deposes that among the names of Har Dayal's disciples which he gave to Rash Behari Bose was that of Amir Chand and it is I think a fair inference from the fact that Rash Behari Bose lost no time in making the acquaintance of Dina Nath that he would have been prompt to make the acquaintance of Amir Chand a man of

some

NATIONAL ARCHIVES OF INDIA

some importance and influence in Delhi. The question arises whether he took advantage of Chatterji's reference to Amir Chand as a friend or (to use the expression so frequently referred to in the evidence) as an achha admi, upon this point I can have no doubt".

9. The Hon'ble Sir Donald Johnston remarked in his judgment (in which the Hon'ble Mr. Justice Rattigan concurred) as follows :-

"Twentieth, it is urged that at the most Amir Chand only became member of the conspiracy in November 1913 and then only of a conspiracy to disseminate seditious literature. In my opinion, however, the intimacy with Rash Behari Bose and Dina Nath and Har Dayal, the harbouring of Abad Behari, the training of Sultan Chand and Ram Lal and coming and going of conspirators to his house take Amir Chand's connection with conspiracy much earlier and show that he was a member before October 1912".

The petitioner submits that

(a) Intimacy with Rash Behari Bose cannot be said to have begun before January 1914 when Rash Behari first met Amir Chand. There being no evidence at all that Rash Behari Bose and Amir Chand met before this time.

(b) Dina Nath did not see Amir Chand after 1908 till September 1913 when even he would not discuss his party with Abad Behari in the presence of Amir Chand accord-ing to Dina Nath's own statement (Sessions printed record page 21 line 8-10.), this fact goes to show that Amir Chand was not a member of conspiracy till Septem-ber 1913.

NATIONAL ARCHIVES OF INDIA

(c) Har Dayal left India in 1908 and never returned since, there is absolutely no evidence that Har Dayal corres-ponded with Amir Chand since 1908.

(d) It has been admitted that the petitioner took fatherly interest in Abad Behari, but had no criminal intimacy.

The fact that the Agarwal Ashram Meeting took place in October 1912, the first leaflets were issued in May 1913 and the Lahore Bomb outrage took place in May 1913, all the time Abad Behari was not in Delhi with Amir Chand but in Lahore, and also

The fact that Dina Nath and Rash Behari's letters signed M.S. and K.P. and telegram signed S.M. were all addressed to Abad Behari and not to Amir Chand go to show that Amir Chand had no criminal intimacy with Abad Behari, at least before 17th May 1913.

(e) There is no evidence that Sultan Chand was being trained by Amir Chand as a conspirator. But there is evidence to the contrary that Sultan Chand even kept secret from Amir Chand the fact of the three liberty leaflets being given to him by Abad Behari according to Sultan Chand's own statement (see page 296 line 4), and it is not improbable that he would keep his own views secret from his adoptive father.

Even this incident happened after June 1913 after Abad Behari had come back to Delhi from Lahore after the Lahore Bomb outrage. It would in no case connect the petitioner with the conspiracy before 17th May 1913.

(f) Ram Lal according to the story of the prosecution came to Delhi in or after October 1913. There is the evidence of the prosecution witnesses the father and brother of Ram Lal that in the early part of Octr:

85

1913

NATIONAL ARCHIVES OF INDIA

1913 he left Jaipur. According to Ram Lal himself he came to Delhi in December 1913 or January 1914. Thus the training up of Ram Lal even according to the prosecution did not begin before October 1913 which facts even could not take Amir Chand's connection with the conspiracy back to make him a member of the conspiracy before 17th May 1913.

(g) The incriminating articles found in Abad Behari's boxes in the petitioner's house were found in February 1914 and no document bears any intrensic evidence to show that the petitioner was criminally intimated with Abad Behari before 17th May 1913 the date of the Lahore Bomb outrage, even the Ex: P. 23 M. is found by the Hon'ble Judges to have been written in January 1914 long after the Lahore Bomb outrage.

(h) That there is no evidence worth the name relied on by the Hon'ble Judge to connect the petitioner with conspiracy before November 1913 when the leaflets are stated by Dina Nath to have been sent by the petitioner to him.

(i) The fact that the petitioner was not known to Bal Raj, he Bal Mokand or Basant Kumar goes also to show that he was not a member of the criminal conspiracy before the d 17th May 1913.

(j) The third class ticket if even it be presumed, was purchased for Rash Behari Bose and refund claimed by Amir Chand, would not go to show that Amir Chand was a member of the conspiracy before 17th May 1913 as the incident took place in February 1914.

(k) The fact that the Bomb cap found in Amir Chand's house was found in his house on 16th February 1914 would not go to show that he was a member of the conspiracy before 17th

NATIONAL ARCHIVES OF INDIA

17th May 1913 as the cap itself has been found to be made of a paper printed on 28th December 1913 or after.

10. That neither the Assessors nor the learned Additional Sessions Judge find that Amir Chand had joined the conspiracy before the Lahore Bomb outrage.

11. That even if it be admitted that the statement of Bina Nath and other prosecution witnesses is quite true, still there is no sufficient evidence to show that Amir Chand had joined the conspiracy before 17th May 1913.

12. That Your Honour's petitioner begs most respectfully that Your Honour will be graciously pleased to take into your favourable consideration the admitted facts and the findings of the Hon'ble Judges of the Chief Court and especially the finding that Amir Chand had no direct part in the meeting of October 1912, the Lahore Bomb outrage or the May leaflets

13. That the petitioner therefore prays, that in view of the aforesaid findings and circumstances that the sentence of death has been hanging over the unfortunate prisoner since the 5th of October 1914 and that he is an old man of 46 years age who has not many years more to live according to the average age of an Indian, Your Honour in exercise of the powers vested in you under Section 401 of the Code of Criminal Procedure and as an act of clemency may be pleased to commute the sentence of death passed upon the prisoner and stay the execution of the petitioner pending the consideration of this petition for mercy or pass such other order as may seem to Your Honour just and proper.

Raghunath Sahai
Pleader, Chief Court,
Lahore
for

Amir Chand.

NATIONAL ARCHIVES OF INDIA

Pro. no. 341

T.9

Diary, General or Register No._____

Hour of despatch of Wire Copy_____

Date of despatch of Post Copy_____

Date of Viceroy's File Copy_____

DRAFT TELEGRAM.

File No.

Serial No.

Class Express.

Heading Poll.

No. 676, 17th February 19 15.

FROM (Station) DELHI
(Person) HOME

To (Station) LAHORE
(Person) REGISTRAR PUNJAB CHIEF COURT

Repeat to_____

Code Word.

Judl A Aug 1913, 2nos 115-116

Reference Home Department 1192 August 9th 1913. Please forward at once complete records Delhi-Lahore Conspiracy case, required urgently with reference to appeals ~~frx~~ for mercy from two condemned convicts.

Pros.

Nos.

S. 9.

NATIONAL ARCHIVES OF INDIA

Pro. no. 350.

80

DRAFT TELEGRAM.

*Diary, General or Register No.*_____

*Hour of despatch of Wire Copy*_____

*Date of despatch of Post Copy*_____

*Date of Viceroy's File Copy*_____

File No.

Serial No.

Class EXPRESS.

Heading POLITICAL.

No. 679, 18th February, 1915.

Code Word.	FROM (Station) DELHI / (Person) HOME To (Station) AMBALA / (Person) SUPERINTENDENT JAIL. Repeat to

Please intimate by telegram date fixed for execution of Basant Kumar Biswas condemned prisoner Ambala Jail. The execution should in no case be carried out before orders of Government of India upon petition have been received.

Pros. 89 Nos.

S. 9.

NATIONAL ARCHIVES OF INDIA

Home DEPARTMENT.

Poll. BRANCH.

File No.

Serial No.

8/1

General, Diary or Regr. No. of letter replied to

Whether a reply is required or not

List of Enclosures

HEADING—

No. 680.

Delhi, the 18th ~~Feby.~~ 1915.

To

The Chief Commissioner,

Delhi

Sir,

I am directed to forward (in original) the accompanying petition (~~in original~~ return requested) ~~which may kindly be returned~~, from Basant Kumar Biswas, a prisoner sentenced to death in the Delhi Conspiracy case, ~~for any remarks that you may have to make. The~~ and to request that the Government of India ~~would be glad to be~~ may be informed at once whether you have any remarks to make.

I have etc.

Depy. Secy.

Proceedings for

No.

90

S. 6.

NATIONAL ARCHIVES OF INDIA

Pro no 352

No. 681.

82

From

C. W. E. Cotton, Esqr.,

Deputy Secretary to the Government of India.

To

The Superintendent, District Jail, Delhi.

Home Department,

(Political) Delhi, the 18th February, 1915.

Sir,

The Government of India have received petitions on behalf of Amir Chand, prisoner under sentence of death. I am to request that you will at once intimate the date of execution as soon as fixed, and certify at the same time that the execution will not be carried out before the receipt of the orders of the Government of India.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. C.W.E. Cotton.

Deputy Secretary to the Government of India.

No. 682.

Copy forwarded to the Chief Commissioner, Delhi, for information with reference to his letters nos. 1051 and 1053 Home, dated the 16th February 1915.

By order,

Sd. C. W. E. Cotton.

Deputy Secretary to the Government of India.

NATIONAL ARCHIVES OF INDIA

Pro. no. 353. 83

ary, General or Register No.
ur of despatch of Wire Copy
te of despatch of Post Copy
te of Viceroy's File Copy

DRAFT TELEGRAM.

File No.
Serial No.

Class EXPRESS.

Heading POLITICAL.

No. 688, 18th FEBRUARY, 1915.

FROM (Station) DELHI
(Person) HOME

To (Station) LAHORE
(Person) GOKAL CHAND NARANG ADVOCATE CHIEF COURT.

Repeat to

Your petition regarding condemned prisoner Bal Mokand. Governor General in Council declines to postpone execution pending submission of appeal to and disposal by Privy Council.

Code Word.

Pros.

Nos. 92

9.

NATIONAL ARCHIVES OF INDIA

C. Lalak 10/2

INDIAN TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.	
Rs.	As.

Office Stamp: DELHI 8 FE. 5 G.T.D.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Ambala L	18	16	55	State	30

TO Home Delhi

Recd. here at 17/5 H. M.

your telegram of date no date fixed for execution of basant kumar bisewes execution stayed pending receipt of orders vide my no 163 despatched today

Jail

N. B.—The name of the Sender, if telegraphed, is written after the text.

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NATIONAL ARCHIVES OF INDIA

HOME DEPT
GOVERNMENT OF INDIA
Branch Pole:
Regr No 1292 A/4/15...
Enter...

84

A

NATIONAL ARCHIVES OF INDIA

94

C. INDIAN TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.		Office Stamp.
Rs.	As.	DELHI 8 FEB 15 G.T.D.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Lahore	18	11	20	state	22

TO Secretary to Govt of India Home Delhi

Recd. here at 11 H. 37 M.

Your 676 records in delhi lahore conspiracy case being dispatched today

Chief Court

Cons page 21

85

N.B.—The name of the Sender, if telegraphed, is written after the text.

95

85

NATIONAL ARCHIVES OF INDIA

A

NATIONAL ARCHIVES OF INDIA

No. 440-356. No. 850 J

HOME DEPT
GOVERNMENT OF INDIA.
Branch Poll.
Regr No 1291
Entered 19/2/15.

86

From

A. Campbell, Esquire, I. C. S.,
Registrar of the Chief Court
of the Punjab,

To

The Hon'ble Mr. H. Wheeler, C.S.I., C.I.E., I.C.S.
Secretary to Government of India,
Home Department, D E L H I.

Dated Lahore, the 18th February 1915.

The Delhi-Lahore Conspiracy Trials.

Sir,

With reference to your telegram No.676, dated 17th instant, I have the honour to inform you that the complete records of the above case with the exception of the exhibits entered in the list attached, which were forwarded to the Registrar of the High Court at Calcutta, with my letter No. 312-J, dated the 16th January 1915, are being sent to your address by to-night's mail in charge of a police Guard under Inspector Brij Lal of the Criminal Investigation Department.

Cons. p. 85-

2. I am to request the favour of your making over direct to the Sessions Judge of Delhi the Sessions Court records, when done with, and such of the exhibits as are not required by you, immediately. The record of proceedings in this Court may be returned to me at your convenience.

3. Six printed copies of the judgment of the Chief Court of -

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NATIONAL ARCHIVES OF INDIA

of the Punjab in the case are being despatched by Post to-day.

I have the honour to be,

Sir,

Your most obedient servant,

REGISTRAR.

J.R. 1892

NATIONAL ARCHIVES OF INDIA

Lists I and II of Exhibits in the Delhi Conspiracy Case.

87 A

I.

P. 87 - Fragments of the Delhi Bomb together with the list.

P. 87 A - Fragments of the Lahore Bomb.

P. 87 A-(1) List of the fragments.

P. 87 B - Fragments of the Bhadrashewar Bomb.

P. 87 C - One liberty leaflet (white).

P. 87 C (1) Do. Do. (pink).

P. 201 - Typewritten Scripts of Yoga and its objects.

P. 202 A & B-Two account books of the Loknath Press, Calcutta.

P.188)
P.188A) Wooden cases containing type from Loknath Press.

P. 231- "Property" leaflets.

P. 235 A,B and C. Search lists.

P. 236 - Police Memo of Search List.

P. 244 A, B and C. Materials of Raja Bazar Bomb.

P. 87 D. A small box containing type.

*Calcutta Nos. I. V. VI. The number 244 is defaced. It is the Raja Bazar Exhibit No. 1 (Bomb).

List II.

1. 2 cases of type exhibits $\frac{\text{XXXVI}}{\text{A}}$
2. 2 cases of type exhibits $\frac{\text{XXXVI}}{\text{B}}$
3. "Liberty" exhibit $\frac{\text{XXXVI}}{\text{C}}$
4. Arise Awake,&c. $\frac{\text{XXXVI}}{\text{D}}$
5. Exhibit $\frac{\text{XXXVI}}{\text{A A}}$ (clean types)
6. Do. $\frac{\text{XXXVI}}{\text{A B}}$ (dirty types)
7. Do. $\frac{\text{XXXVI}}{\text{A X}}$)
8. Do. $\frac{\text{XXXVI}}{\text{A Y}}$) Defence Exhibit.
9. Do. $\frac{\text{XXXVI}}{\text{A Z}}$)
10. Do. $\frac{\text{XXXVI}}{\text{B Z}}$ ----------includes :

(a) the word "Liberty"

(b) 9 A's

(c) 6 B's

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NATIONAL ARCHIVES OF INDIA

(d) 5 M's

(e) 6 S's

(f) 1 J

(g) 6 T's

88

Sd/ H. M. Veitch,

Registrar, High Court, Calcutta,

18/11/15 Appellate Side.

True copy

Head Assistant.

18/2

NATIONAL ARCHIVES OF INDIA

Pro. No. 357,

NO. 1142 Home.

From,

W.M.Hailey,Esquire,C.I.E.,I.C.S.,

Chief Commissioner,Delhi,

To,

The Secretary to the Government of India,

Home Department.

Dated Delhi,the 18th of February 1915.

Sir,

With reference to Mr.Cotton's letter No.680 dated 18th February 1915,I have the honour to return herewith the petition of Basant Kumar Biswas,a prisoner sentenced to death in the Delhi Conspiracy Case,and to say that I have no remarks to offer.

I have the honour to be,
Sir,
Your most obedient servant,

W.M.Hailey

Chief Commissioner.

Rasheed

NATIONAL ARCHIVES OF INDIA

From No 129. 90

CIVIL SECRETARIAT
13 FEB 1915
LAHORE
HOME
B. No. 833
Date 13/2/15

The Supdt. District Jail
Ambala

To

The Revenue Secretary
to Government Punjab
Lahore

Dated Ambala the 12.2.1915

Sir,

I have the honor to forward herewith a petition for mercy in Vernacular with its English translation from Convict Basant Kumar Biswas sentenced to death by the Chief Court of the Punjab.

2. The date of execution will be intimated on receipt

NATIONAL ARCHIVES OF INDIA

of the formal warrant of death
from the Court concerned.

I have the honor to be
Sir
Your most obedient Servant
[illegible]
for Supdt District Jail
Cuddalore

NATIONAL ARCHIVES OF INDIA

English translation of the petition for mercy from Condemned Convict Basant Kumar Biswas confined in the Ambala District Jail.

I most respectfully beg to state that I did not place bomb on the ground in the Lawrence Gardens at Lahore.

I was not a member of the Delhi Conspiracy Case. I know nothing of this case. The Police have fabricated this case against me.

I am quite innocent and most respectfully beg for mercy.

True translation

Supdt Dist Jail
Ambala

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NATIONAL ARCHIVES OF INDIA

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بحضور فیض گنجور جناب لفٹننٹ گورنر صاحب بہادر صوبہ پنجاب دام اقبالہ

جناب عالی

غریب پرور سلامت

فدوی بڑے ادب سے ملتمس ہے۔ کہ فدوی نے لاہور کے لارنس باغ میں کوئی غبن نہیں پر نہیں رکھا۔

فدوی دہلی کے مقدمہ سازش کا ممبر نہیں تھا فدوی کو اس مقدمہ کا کوئی حال معلوم نہیں ہے پولیس نے فدوی کے برخلاف یہ جھوٹا مقدمہ بنا دیا ہے۔

فدوی بالکل بے قصور ہے۔ اور بڑے ادب سے حضور فیض گنجور سے رحم کا خواستگار ہے۔

فدوی لیفٹننٹ کمار سوریس قیدی پھانسی والا
مقید جیل انبالہ

Basanta Kumar Biswas

Allowed
Lawrence Gal
Supdt
12/2/15

105

NATIONAL ARCHIVES OF INDIA

No. 163

Poll: 1313 19/2/15 94

From

n

LT. Col. A. W. T. BUIST. I. M. S.

Superintendent District Jail

AMBALA.

To

The Secretary to Government of INDIA

HOME Department

Dehli

Dated AMBALA the 17.2.15.
18

Sir,

With reference to a Demi Official letter, No. 981-Home dated 13.2.15, from the Chief Commissioner of Dehli to the Inspector General of Prisons, Punjab, regarding condemned prisoner Basant Kumar-(Dehli conspiracy case), I have the honour to inform you that a warrant sentencing the above prisoner to death, under the orders of the Chief Court, Punjab, was received here on 11.2.15. The prisoner was informed the same day, and was asked whether he wished to petition for mercy. His petition to His Honour the Lieutenant Governor of the Punjab was accordingly despatched on 12.2.15 to the Revenue Secretary to Govt., Punjab, as revised orders regarding the disposal of appeals of condemned prisoners were only of the Dehli Province ~~have only been~~ received by me to-day. The Revenue Secretary to Government, Punjab, has however informed me that he has forwarded the petition of prisoner BasantKumar to you.

106 I would enquire whether any further petition from

NATIONAL ARCHIVES OF INDIA

95

Condemned prisoner Basant Kumar should now be sent to his Excellency the Governor General in Council, in order to formally comply with the new instructions just received, for dealing with such cases belonging to the DEHLI PROVINCE; or whether the petition for mercy already sent to HIS HONOUR the LIEUTENANT GOVERNOR of the PUNJAB will suffice.

I also hereby certify that the execution of condemned prisoner BasantKumar has been stayed, pending receipt of the orders of the GOVERNOR GENERAL on his petition.

4. So far no date has been fixed for the execution of prisoner Basant Kumar by the SESSIONS JUDGE, DEHLI.

I have the honour to be
Sir,

Your most obedient servant
A. W. J. Buist Lt.Col.I.M.S.
Superintendent District Jail.

NATIONAL ARCHIVES OF INDIA

NO..... 295 Pro. No. 359.

HOME DEPT
GOVERNMENT OF INDIA.
Branch Pol.
Regr No 1320
Entered 20/4/15

96

From

The Superintendent District Jail,
Delhi .

To

Death Case
URGENT

The Secretary to the Government of India,
Home Department, Delhi

Delhi , the 19th February 1915.

***** **********

****

Sir,

I have the honour to acknowledge the receipt of your letter NO: 681 dated 18-2-15, and to state that the date of execution fixed by the Sessions Judge , Delhi , for Amir Chand condemned prisoner is Friday , the 5th March 1915.

2. I beg to certify that the execution will not be carried out before the receipt of the orders of the Government of India on his petition which has already been received by the Government of India direct.

3. Another petition for mercy is being submitted by the condemned prisoner through his pleader.

I have the honour to be ,
Sir,
Your most obedient servant ,

W.H. Ogilvie Lt. Col. I.M.S.
Superintendent District Jail,
Delhi.

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NATIONAL ARCHIVES OF INDIA

292 Pro. no 360.

97

HOME DEPT
GOVERNMENT OF INDIA.
Branch Poll:
Regr No 1321
Entered 20/2/15

NO.....

From

The Superintendent District Jail,
Delhi

Dealt Case
URGENT

To

The Secretary to the Government of India
Home Department.
Delhi

Dated , Delhi, the 19th February 1915.

****

****

Sir,

I have the honour to inform you that warrants for execution of the men condemned in the Delhi Conspiracy Case have been re--ceived . Amongst them are Balmokand --- Date of execution Saturday 6th March , and Abad Behari --- date of execution Friday 5th March. Both of them desire to appeal for mercy to the Viceroy through their pleaders, and the necessary instructions to their pleaders are being despatched today.

I beg to certify that the dates of execution of Balmokand and Abad Behari have been postponed pending receipt of orders from the Government of India.

The case of Amir Chand is the subject of a seperate communi--cation to you which is forwarded with this.

I have the honour to be ,
Sir,
Your most obedient servant ,

W.H.O. Gilore

Lt. Col. I.M.S.
Superintendent District Jail,
Delhi

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NATIONAL ARCHIVES OF INDIA

Pro. no. 364

98

Diary. General or Register No _____

Hour of despatch of Wire Copy _____

Date of despatch of Post Copy _____

Date of Viceroy's File Copy _____

DRAFT TELEGRAM.

File No.
Serial No

Class Express.

Heading Pol.

No. 717, 20th 7 Feby 1915.

FROM (Station) Delhi
(Person) Home

To (Station) Ambala
(Person) Superintendent District Jail

Repeat to _____

Code Word.

your no. 163 7 February 17th. Basanta Kumar Biswas's petition forwarded to Punjab Govt: has been received No further formal petition is required. Please inform date of execution ~~as soon as~~ fixed by Sessions Judge Delhi, as soon as communicated.

110

Pros. Nos.

S. 9.

NATIONAL ARCHIVES OF INDIA

99

C. INDIAN TELEGRAPHS.

NOTICE. This form must accompany any inquiry made respecting this Telegram.	Charges to pay. Rs.	As.	Office Stamp. DELHI 21 FE 15 G.T.D.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Pankala C 21 Home Delhi	1	17	10	X State 17 30	37

TO

Recd. here at H. M.

corresponds

Your telegram of 20th inst sessions judge delhi telegraphs dated nineteenth as follows warrant Basant Kumar sixth march a letter Has been sent to Him today asking for death warrant on prescribed form Jail

N. B.—The name of the Sender, if telegraphed, is written after the text.

99

NATIONAL ARCHIVES OF INDIA

Pro. 20. 362.

99
A

NATIONAL ARCHIVES OF INDIA

112

H-1001
100

100

HOME DEPT.
GOVERNMENT OF INDIA.
Branch Poll.
Regr. No 1421
23/4/15

[Punjab Jail Form No. 77.

JAIL 1915. DEPT.

FROM

The Superintendent Dist Jail,
Ambala

To The Secretary to the Govt of India
(Home) Delhi

Dated 21/2/15 } No. 183
Received

Sir,

I have the honour to inform you that the Sessions Judge Delhi has fixed Monday the eighth

113

NATIONAL ARCHIVES OF INDIA

100-A

of March 15 as the date of execution of Condemned prisoner Basant Komar Biswas

I have the honor to be
Sir
Your most obedient servant
A. Burst. Lt. Col Imp
Superintendent Jail

114

NATIONAL ARCHIVES OF INDIA

Pro. no. 363.

104
B.

NATIONAL ARCHIVES OF INDIA

Pro. No. 364.

HOME DEPT. 107
GOVERNMENT OF INDIA.
Branch
Bdle No
Entered
Folio 1428
23/2/15.

To

The Home Secretary,

Government of India,

Delhi

Copy of petition submitted to His Excellency the Governor General in Council through the Hon'ble the Chief Commissioner Delhi

(Delhi Conspiracy case)

The humble Petition of Avadh Behari prisoner under Section 401 Cr: pro Code most respectfully sheweth:-

1. That the petitioner was convicted by the Additional Sessions Judge of Delhi in the "Delhi conspiracy case" for an offence under S. 120 B & 302 I.P.C (conspiracy to commit murder) and was sentenced to death on 5.10.1914.

2. That on reference and appeal to the Chief Court the order confirming the conviction of the petitioner and the sentence of death was pronounced on 10.2.1915.

3. That the petitioner is innocent of the charge and cannot be legally convicted for the offence charged and the order of the Chief Court is erroneous and contrary to the merits of the case and law. The charge is not proved against the petitioner.

☞ The conviction is based on the testimony of an approver Dina Nath chiefly which should not be believed for the following reasons:-

(a) Dina Nath on his own shewing is a criminal of the worst type and a liar as also fully capable of concealment of truth and of telling lies as found by the Sessions Judge himself in his printed judgment at the bottom of P. 11 and top of P. 12.

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(b) This being the case the presumption of law that an accomplice's testimony is unworthy of credit unless it is corroborated by in dependent evidence on material points directly connecting the accused with the crime charged, very forcibly applies to the evidence of Dina-Nath who is quite capable to conceal the names of real offenders and substituting therefor the names of innocent persons in the chain of events in which he himself took very prominent part. Thus he excapes the gallows by turning an approver and saves his own associates like Ram Saran Das his first cousin and Jaggan-Nath another relative .

(c) The points alleged by Dina Nath approver against the petitioner Avadh Bihari are:-

1. That in 1908 the approver met Avadh Behari at the house of Amir Chand where the disciples of Har Dayal stayed for 5 or 6 days at Delhi.

There is no corroberation of this but a direct contradiction by P. Witness Chatterji No: 199 before the Sessions Judge (vide P. 290 line 46, 47 and P. 291 line 43-44)

2. After 4 years gap Dina Nath approver introduces the petitioner on or about 15th October 1912 in an out house of Aggarwal Ashram at Lahore where Avadh Behari had hardly joined the B.T. Class of the central Training College 3 or 4 weeks before.

It is alleged by the approver that a conspiracy ~~was~~ was organized there by his Master Rash Behari Bose for throwing bombs and dissemination of seditious literature. The members present are alleged to be Rash Behari Bose , Dina Nath approver, Avadh Behari and Balmukand.

But there is absolutely no corroberation of this and moreover it is highly improbable and unlikely to organize a conspiracy in an open place like the Aggarwal Ashram without any precautions.

3. After this so-called organization of conspiracy in Octobe 1912 the approver's statement that in April 1913 (6 months l

NATIONAL ARCHIVES OF INDIA

the so-called conspirators met for the dissemination of seditious literature and in consequence thereof a draft "Liberty leaflet" was drawn up by Avadh Behari stands entirely uncorroborated.

4. That the part assigned to Avadh Behari by the approver in the posting and distributing of "Liberty leaflets" on the central Model School Hall and in the Training College Boarding House is not proved at all in fact and stands uncorroborated besides.

5. Dina Nath approver was quiteable with the help of Ram Saran Das his first cousin a B.A student of Dayal Singh College who lef the college in these days to secure a draft of the leaflet and himself admitted having got it printed at Kapurthala by the said Ram Saran Das and another relative Jagan Nath who both compesited and printed the matter.

6. The approver's statement that after the distribution of Liberty ~~ballets~~ leaflets on 10th & 11 th May 1913 he corresponded with Rash Behari Bose at Dehra Dun about it and 2 letters and replies passed between them 11th & 15th May 1913 when he went to meet Avadh Behari is highly improbable and unlikely and uncorroborated .

7. The alleged meeting of Dina ~~Nath~~ Nath approver with Avadh Behari at the Training College Boarding House on 15th May 1913 is not only not corroborated but there was no occasion for it and the story is concocted to introduce another man on 16th May to which the meeting was postponed.

8. On 16th May 1913 (Friday) according to Dina Nath approver , he and Basant Kumar Biswas a compounder ~~a compounder~~ in the Popular dispensary in the city of Lahore quite 2 miles fr from the central Training College Boarding House had to meet Avadh Behari at the latter place at 5 P.M. and where they met . There is absolutely no corroboration of this meeting which could be easily procured if it were true.

On the other hand its falsity is too arparent to need demonstration from the following:-

(a) Avadh Behari is not at all shown by any evidence whatso-ever to have been acquainted with Basanta Kumar

NATIONAL ARCHIVES OF INDIA

(b) Amar Nath and Thakar Das Prosecution Witnesses No: 38 & 39 who positively proved that Basat Kumar never left the dispensary before 6 P.M. on Friday the 16th which excludes the possibility of his attending the meeting at 5 P.M. for which purpose he must leave the dispensary at 4.30.P.M. at the latest.

(c) Thus the approver's allegation that on 16th May at 5P.M. meeting the main portion of a bomb was given by Avadh Behari to Basant Kumar along with a bag of needles falls to the ground Moreover it is ridiculous to suppose even that such a thing would be done in so open a place as the Boarding House and at such a time.

(d) Why Dina Nath approver should be taken in confidence when he had to do nothing in the matter of throwing bomb except the supply of a bicycle which without the intervention of Avadh Behari the bomm thrower could obtain from Dina Nath who was and must be known to him.

(9) Dina Nath's statement that on 17th May 1913 Basant Kumar Biswas left the dispensary after 6 P.M, with a card Board box containing the main portion of the bomb and the bag (which box and bag he had brought a day before) is disproved by the Prosecution Witnesses Amar Nath and Thakar Das No: 38 & 39 who say that Basant Kumar as usual left the dispensary after 6 P.M. with a shirt and Dhoti on and a stick in hand and had nothing else in hand and on his body.

10. Dina Nath's statement about his meeting Avadh Behari on Sunday noon (18th) smells concoction clearly. He had not fetched his bicycle from Basant Kumar whose dispensary was near his house and instead of ~~He~~ this he went to the Training College Boarding House to ask Avadh Behari about the incident at last evening when he could easily learn from Basant Kumar so near his house.

Besides there is absolutely no corroboration of his statement on these allegation.

(11) Subsequent to May incident, the allegation of the approver

approver that Avadh Behari had anything ~~of the~~ to do with the the distribution of July Liberty leaflets ~~is~~ not proved and is not corroborated .

In fact Avadh Behari had left Lahore in June after the University Examination for B.T. degree and was at Delhi, while Dina-Nath according to himself as before got the leaflets printed at Kapurthala and which were distributed from Ambala.

12. In October 1913 Avadh Behari's visit to Lahore as stated by Dina Nath is not proved and not corroborated.

(d) ~~(d)~~ There is not only no corroboration of approver on points alleged by him against Avadh Behari but there is positive controdiction by the Prosecution evidence itself.

(e) The material discrepancies between the different statements of approver before Mr: Tollinton on 24th February 1914 and the committing Magistrate and the Sessions Judge have shown that such an approver is absolu-tely unworthy of credit and his statement notwithstanding all this should not be taken as gospel truth and that it is unsafe to base conviction and sentence of death upon such testimony.

4. The fin-ding of the literature in the house of Avadh Behari in February 1914 where Rash Behari's luggage was found can in no way connect Avadh Behari with a conspiracy of 1912 which resulted in the death of Ram Padarath in the Lawrence Hall Gardens at Lahore on 17th May 1913.

5. There is no doubt that all this may create suspicion of Avadh Behari's seditiions tendencies but this cannot be treated as sufficient for his conviction.

6. The Hon'ble Judges of the Chief Court have been pleased to accept the statement of Dina Nath as true but this should not have been accepted in view of the very forcible reasons against it. His Imperial Majesty's subjects have and should have the privilege to demand that in view of all these circumstances and the provision of law contained in S. 114 (b) of evidence act it is unsafe to convict and to hang an innocent person whose innocence may later on be proved to the world and then it will be impossible to recall the dead man to life this e-

NATIONAL ARCHIVES OF INDIA

thus causing mortification to those who had a hand in the matter. 106

It is prayed that mercy be shown to the wretched prisoner and the execution of sentence be stayed pending the decision of the petition.

Lahore
Dt 22.2.1915

Avadh Behari
Condemned prisoner Delhi Jail
through Nanak Chand
advocate

NATIONAL ARCHIVES OF INDIA

(b) This being the case the presumption of lawthat an accomplice's testimony is unworthy of credit unless it is corroborated by in dependent evidence on material points directly connecting the accused with the crime charged, very forcibly applies to the evidence of Dina-Nath who is quite capable to conceal the names of real offenders and substituting therefore the names of innocent persons in the chain of events in which he himself took very prominent part. Thus he escapes the gallows by turning an approver and saves his own asso-ciates like Ram Saran Das his first cousin and Jaggan-Nath another relative .

(c) The points alleged by Dina Nath approver against the petitioner Avadh Bihari are:-

1. That in 1908 the approver met Avadh Behari at the house of Amir Chand where the disciples of Har Dayal stayed for 5 or 6 days at Delhi.

There is no corroboration of this but a direct contra-diction by P. Witness Chatterji No: 199 before the Sessions Judge (vide P. 290 line 46, 47 and P. 291 line 43-44)

2. After 4 years gap Dina Nath approver intreduces the petitioner on or about 15th October 1912 in an out house of Aggarwal Ashram at Lahore where Avadh Behari had hardly joined the B.I. Class of the central Training College 3 or 4 weeks before.

It is alleged by the approver that a conspiracywas-was organized there by his Master Rash Behari Bose for throwing bombs and dissemination of seditions literature. The members present are alleged to be Rash Behari Bose , Dina Nath approver, Avadh Behari and Balmukand.

But there is absolutely no corroboration of this and moreover it is highly improbable and unlikely to organize a conspiracy in an open place like the Aggarwal Ashram without any precautions.

3. After this so-called organization of conspiracy in October 1912 the approver's statement that in April 1913 (6 months later the so-called conspirators met for the dissemination

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NATIONAL ARCHIVES OF INDIA

Through the Hon'ble the Chief Commissioner
Delhi

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CHIEF COMMISSIONER'S OFFICE
FEB. 23. 1915
DELHI

(The Delhi Conspiracy case)

Petition of Avadh Behari prisoner under Section 401 Cr: pro Code most respectfully sheweth:-

1. That the petitioner was convicted by the Additional Sessions Judge of Delhi in the "Delhi conspiracy case" for an affence under S. 120 B & 302 I.P.C (conspiracy to commit murder) and was sentenced to death on 5.10.1914.

2. That on reference and appeal to the Chief Court the order confirming the conviction of the petitioner and the sentence of death was pronounced on 10.2.1915.

3. That the petitioner is inocent of the charge and cannot be legally convicted for the affence charged and the order of the Chief Court is erreneous and contrary to the merits of the case and law. The charge is not proved against the petitioner.

The conviction is based on the testimony of an approver Dina Nath chiefly which should not be believed for the following reasons:-

(a) Dina Nath on his own showing is a criminal of the worst type and a liar as also fully capable of concealment of truth and of telling lies as found by the Sessions Judge himself in his printed judgment at the bottom of P. 11 and top of P. 12.

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NATIONAL ARCHIVES OF INDIA

rs met for the dissemination of sedi-

tions literatur[illegible] consequence thereof a draft "Liberty

leaflet" was drawn up by Avadh Behari stands entirely uncorrobe-

rated.

4. That the part assigned to Avadh Behari by the approver in the posting and distributing of "Liberty leaflets" on the central Model School Hall and in the Training College Boarding House is not proved at all in fact and stands uncorroborated besides.

5. Dina Nath approver was quite able with the help of Ram Saran-Das his first cousin a B.A student of Dayal Singh College who left the college in these days to secure a draft of the leaflet and himself admitted having got it printed at Kapurthala by the said Ram Saran Das and another relative Jagan Nath who both composited and printed the matter.

6. The approver's statement that after the distribution of Liberty ~~bailets~~ leaflets on 10th & 11 th May 1913 he corresponded with Rash Behari Bose at Dehra Dun about it and 2 letters and replies passed between them 11th & 15th May 1913 when he went to meet Avadh Behari is highly improbable and unlikely and uncorroborated .

7. The alleged meeting of Dina [illegible] Nath approver with Avadh Behari at the Training College Boarding House on 15th May 1913 is not only not corroborated but there was no occasion for it and the story is concocted to introduce another man on 16th May to which the meeting was postponed.

8. On 16th May 1913 (Friday) according to Dina Nath approver , he and Basant Kumar Biswas a compounder ~~a compet~~ in the Popular dispensary in the city of Lahore quite 2 mil from the central Training College Boarding House had to meet Avadh Behari at the latter place at 5 P.M. and where they There is absolutely no corroboration of this meeting which could be easily procured if it were true.

On the other hand its falsily is too apparent to need demonstration from the following:-

(a) Avadh Behari is not at all shown by any evide whatsoever to have been acquainted with Basanta

NATIONAL ARCHIVES OF INDIA

DIVISIONAL AND SESSIONS JUDGE DELHI DIVISION

110 Feb 21. 15

My dear Cotton

First I sent a warrant to the Supt. Delhi Jail for execution of Baranta Kumar Biswas on Saturday 6th March.

This was returned with note that prisoner was at Ambala

I have now sent warrant

NATIONAL ARCHIVES OF INDIA

(b) Amar Nath and Thakar Das Prosecution Witnesses No: 38 & 39 who positively proved that Basat Kumar never left the dispensary before 6 P.M. on Friday the 16th which excl the possibility of his attending the meeting at 5 P.M. fo which purpose he must leave the dispensary at 4.30.P.M. at the latest.

(c) Thus the approvers allegation that on 16th May at 5P.M. meeting the main portion of a bomb was given by Avadh Behari Basant Kumar along with a bag of needles falls to the ground Moreover it is ridiculous to suppose even that such a thing would be done in so open a place as the Boarding House and at such a time.

(d) Why Dina Nath approver should be taken in confidence when he had to do nothing in the matter of throwing bomb except the supply of a bicycle which without the intervention of Avadh Behari the bomm thrower could obtain from Dina Nath who was and must be known to him.

(9) Dina Nath's statement that on 17th May 1913 Basant Kumar Biswas left the dispensary after 6 P.M. with a card Board box containing the main portion of the bomb and the bag (which box and bag he had brought a day before) is disproved by the Prosecution Witnesses Amar Nath and Thakar Das No: 38 & 39 who say that Basant Kumar as usual left the dispensary after 6 P.M. with a shirt and Dhoti on and a stick in hand and had nothing else in hand and on his body.

10. Dina Nath's statement about his meeting Avadh Behari on Sunday noon (18th) smells concoction clearly. He had not fetched his bicycle from Basant Kumar whose dispensary was near his house and instead of this he went to the Training College Boarding House to ask Avadh Behari about the incident of last evening when he could easily learn from Basant Kumar so near his house.

Besides there is absolutely no corroboration of his statement on these allegation.

(11) Subsequent to way incident, the allegation of the app

NATIONAL ARCHIVES OF INDIA

approver that Avadh Behari had anything-of-the to do with the the distribution of July Liberty leaflets is not proved and is not corroborated .

In fact Avadh Behari had left Lahore in June after the University Examination for B.T. degree and was at Delhi, while Dina-Nath according to himself as before got the leaflets printed at Kapurthala and which were distributed from Ambala.

12. In October 1913 Avadh Behari's visit to Lahore as stated by Dina Nath is not proved and not corroborated.

(d) There is not only no corroboration of approver on points alleged by him against Avadh Behari but there is positive contradiction by the Prosecution evidence itself.

(e) The material discrepancies between the different statements of approver before Mr: Tollinton on 24th February 1914 and the committing Magistrate and the Sessions Judge have shown that such an approver is absolu-tely unworthy of credit and his statement notwithstanding all this should not be taken as gospel truth and that it is unsafe to base conviction and sentence of death upon such testimony.

4. The finding of the literature in the house of Avadh Behar in February 1914 where Rash Behari's luggage was found can in no way connect Avadh Behari with a conspiracy of 1912 which resulted in the death of Ram Padarath in the Lawrence Hall Gardens at Lahore on 17th May 1913.

5. There is no doubt that all this may create suspicion of Avadh Behari's seditittions tendencies but this cannot be treated as sufficient for his condiction.

6. The Hon'ble Judges of the Chief Court have been pleased to accept the statement of Dina Nath as true but this should not have been accepted in view of the very forcible reasons against it. His Imperial Majesty's subjects have and should have the privilege todemand that in view of all these circumstances and the provision of law contained in S. 114 (b) of evidence act it is unsafe to corviot and to hang on innocent person whose innocence may later on be proved to the world and then it will be impossible to recall the dead man to life [illegible]

NATIONAL ARCHIVES OF INDIA

thus causing mortification to those who had a hand in the matter.

It is prayed that mercy be shown to the wretched prisoner and the execution of sentence be stayed pending the decision of the petition.

Lahore
Dt. 22.2.1915

Avadh Behari
Condemned prisoner Delhi jail.
through Nanak Chand
Advocate

NATIONAL ARCHIVES OF INDIA

Pro. no. 366. 114

Copy of a letter, dated the 22nd February 1915, from Mr. Nanak Chand Bar-at-Law, Lahore, to the Superintendent District Jail, Delhi.

I request you to kindly inform the condemned prisoner Avadh Behari that at the request of his pleader Lala Raghunath Sahai I have submitted an appeal for mercy on his behalf to the Governor General in Council through the Honourable the Chief Commissioner Delhi, and a copy of it direct to the Home Secretary, Government of India.

I am enclosing herewith a draft application or petition which Avadh Behari should also send and submit from the jail for a respite and suspension of the execution of sentence on the ground that the Privy Council is to be moved in the matter.

In fact papers have been sent to England by his pleader Lala Raghunath Sahai for that purpose.

No:_____.

Delhi. The 23rd February 1915.

Copy of the above with the petition in orignal, forwarded to the Secretary to the Government of India, Home Department, Delhi for disposal, in continuation of this office endorsemnt No:292 dated the 19th February 1915.

W H Ogilvie Lieut:Col:I.M.S.,
Superintendent District Jail,
Delhi.

Enclosure.
1. Petition.

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To,

His Excellency The Right Hon'ble

Charles Baron Hardinge of Penshurst,

P.C.,G.C.B.,G.M.S.I.,G.C.M.G.,G.M.O.,G.C.V.O.,I.V.O., i

Viceroy and Governor General of India,

in Council

May it please your Excellency,

The humble petition of the petition-
-er respectfully sheweth:-

1.That the petitioner was condemned to death in the Delhi Conspiracy Case by the Additional Sessions Judge of Delhi.

2.That the said order was confirmed by the Chief Court Punjab,on the 10th February 1915.

3.That the petitioner has an intention to appeal to the Privy Council against the order and the necessary corres-
pondence has begun by the pleader of the petitioner who de-
-fended the petitioner at the trial.

4.That it is prayed that pending the decision of the Privy Council the execution of death sentence may be sus-
-pended.

Your Excellency's humble

petitioner,

Abad Behari

23rd Feb. 1915

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NATIONAL ARCHIVES OF INDIA

Pro. No. 367. 116

HOME DEPT
GOVERNMENT OF INDIA.
Branch Pole.
Regr No 1479
Entered 25/2/15

116

From,

The Superintendent District Jail,

Delhi.

To. CASE
DEATH
URGENT
No. 330.

Sir,

The Secretary to the Government of India,

Home Department, Delhi.

Delhi. The 24th February 1915.

In continuation of my letter No:295 dated the 19th February 1915, I have the honour to forward for orders of His Excellency the Governor General in Council the second petition for mercy from prisoner Amir Chand under sentence of death, of which reference was made in para 3 of my letter quoted above.

I have the honour to be,

Sir,

Your most obedient servant,

W.A. Taylor

Lt:Col:I.M.S.,

Superintendent Distt: Jail,

Delhi.

Enclosure.

1. Petition.

NATIONAL ARCHIVES OF INDIA

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To

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His Excellency The Right Hon'ble
Charles Baron Hardinge of Penshurst,
P.C., G.C.B., G.M.S.I., G.C.M.G., G.M.O.,
G.C.V.O., I.V.O.,
Viceroy and Governor General of India
in Council.

May it please Your Excellency,

I most humbly and respectfully beg to state that in the Delhi Conspiracy case, I have been sentenced to death and the sentence has been confirmed by the Chief Court Punjab. I have not yet seen the judgment but as far as I know, the sole ground of material reduction of sen-tences in the cases of Bal Raj and Hanuwant Sahai (2 of the convicts) to that of 7 years' Transportation or imprisonment under Section 115 is that the former was not a member of the Conspiracy before the Lahore Bomb outrage in May 1913 or at the time of its occurrence and the latter had no hand in organising any outrage as distinguished from preaching it.

Now I most humbly and respectfully beg to state that there is absolutely nothing on record to connect me in the least (even by way of instigation, knowledge, connivance or approval) with the Lahore Bomb outrage, except my connection with Har Dayal and his disciples and with Abad Behari.

In the Lower Court, my Pleader and I understood the charge against me to be that I joined a conspiracy to murder formed in October 1912 and so I did not even touch in my state-ment the nature and extent of my relations with Har Dayal and his disciples or deal with Dina Nath's visit so far back as 1908, nor did my Pleader take up the point.

As it is, I solemnly state that Har Dayal and his disciples were known to me at any rate in 1907 and 1908 as a band of educational and philanthropic national workers and when I took in 2 or 3 of his disciples for a short time, it had nothing to do with anarchism. Even such views were not then held. There was no conspiracy. It was only as deeply interested

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interested in education and social service that we were known to each other since 1908, I had no connection or correspondence with him. The record bears out all this.

As to Abad Behari, according to the record he appears to have become associated with anarchists and to have done anarchical deeds since October 1912 at Lahore and even if he had once or twice met Rash Behari Bose before that, as is inferred in the Chief Court's judgment, there is nothing to justify the further inference about me that I also had known him or his propaganda, simply because he knew my address. My Lord, whatever connection of mine with anarchist propaganda or with the conspiracy is on record, relates to the period November 1913 - February 1914 while the Lahore Bomb outrage took place in May 1913 and the 1st two Liberty leaflets were published in May and July 13. Thus it is perfectly and conclusively clear that I was not the member of any conspiracy to murder or even associated in any way or to any extent with Anarchism or any anarchist (known as such to me) at the time of Lahore Bomb outrage or before November 1913, and therefore even if guilty, I deserve the same punishment as Bal Raj and Hanuwant Sahai. My case is thus essentially different from that of the other 4 convicts sentenced to Death and Transportation, as there is evidence against them of having committed murder or having become members of conspiracy before the murder, while there is none against me, nor is there any thing to show that I was a ring-leader.

I am prepared to explain the whole point clearly in a statement on oath if granted a chance and beg further enquiry owing to the wholly new stand-point of the Hon'ble Judges of the Chief Court. My Lord, the life of a humble citizen of His Most Gracious Majesty the King-Emperor is at stake and in the name of that British justice of which the maxim is "It is better that ten guilty persons should escape than one innocent person should suffer", specially suffer Death, I most humbly, respectfully and earnestly beg to appeal to Your Excellency to consider my case or have it considered and to allow me to explain my case more fully on receipt of ~~copy of judgment~~ orders. I beseech that no technicality of prodedure or question of jurisdiction be allowed to stand in the way of the above point receiving Your Excellency's best and

NATIONAL ARCHIVES OF INDIA

and kindest consideration.

In conclusion in view of the above, even if legally guilty, I beg Your Excellency to pardon a repentant soul for what was done in a frenzy and crave for such reduction in my sentence as Your Excellency may be mercifully pleased to make.

Praying for the long life and prosperity of a benevolent and merciful ruler as Your Excellency is

I beg to remain,

My Lord,

Your most humble petitioner,

Amir Chand.

22.2.15

NATIONAL ARCHIVES OF INDIA

From,

Pro. No. 368.

GOVERNMENT OF INDIA
Branch Poll'
Regr No 1486
Entered 25/2/15

120

The Superintendent District Jail.

Delhi.

To,

DEATH CASE
URGENT

No: 326.

The Secretary to

The Government of India,

Home Department, Delhi.

Delhi. The 24th February 1915.

Sir,

In continuation of my letter No:292 dated the 19th February 1915, I have the honour to forward, for orders of His Excellency the Viceroy and Governor General in Council, a petition for mercy from prisoner Bal Mukand, under sentence of death. This was received today from the prisoner's friends.

I have the honour to be,

Sir,

Your most obedient servant,

W.A.Gilroy

Lt:Col:I.M.S.,

Superintendent District Jail,

Delhi.

Enclosure.

1. Petition.

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NATIONAL ARCHIVES OF INDIA

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To

His Excellency the Viceroy
and Governor General of India in Council.

Through

The Hon'ble The Chief Commissioner
of Delhi Province,
Delhi.

The humble petition of Bal Mukand convict in the Delhi Conspiracy case for mercy most respectfully sheweth :-

1. That there is no allegation that the petitioner ever came in contact with Har Dayal or any other revolutionary teacher.

2. That no seditious literature, not even a book with any revolutionary tendencies was found in the possession of the petitioner; although his houses at Kariala and Jodhpur were searched without any previous notice to him. Nor was any other document or correspondence found with him which would in any way connect him with the conspiracy culminating in the murder of the Hindu peon in the Lawrence Garden. This has been admitted by the Chief Court, see page 21 Section 2 of the printed judgment.

3. That admittedly he had no hand either in the planing or the perpetration of the Bomb outrage. There is no allegation even by the prosecution that the petitioner had any knowledge of the scheme or the outrage.

4. It is admitted that upto the alleged meeting in the Aggarwal Ashram in October 1912, Dina Nath did not know even Petitioner's name although according to the approver he

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he was to be appointed a leader of the Punjab propaganda at that very meeting. The learned Judges admit that it is a little strange though unfortunately they pass it over as immaterial.

5. Then again it is admitted that there is no corroboration of the Agarwal Ashram Meeting and only Dina Nath's state--ment has been relied upon.

6. Even if it be taken for granted that the petitioner was instrumental in obtaining service for Basant Kumar it has not been proved that the petitioner had any knowledge at that time that Basanta was a revolutionary and not the poor begger he was passing for.

7. As to his connection with the dissemination of the Liberty leaflets the petitioner humbly begs to submit that he had admittedly no hand in the writing or the printing of the leaflets of May, and absolutely no con--cern with those of July and ths only part he is alleged to have played with respect to the 3rd and 4th Liberty leaflets was that he told Dina Nath to take the papers to Bal Raj.

8. As regards his connection with other accused convicted in the case it is not even alleged that he knew any one except Bal Raj and Abad Behari. His intimacy with the former is admitted but is by no means strange as Bal Raj was a son of the Principal of the College and a Class-fellow of the petitioner. As regards the petitioner's acquitance with Abad Behari the only corroborative evidence is furnished by the statements of Raghubir Sing and Sultan Chand which are contradictory. Raghubir Sing could not identify the petitioner and Sultan Chand who testifies to Bal Mokand's presence at Mussorrie is an approver himself who had been in the dock for months as an accused and had heard all the details of the case

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from the mouth of Dina Nath the principal approver and is therefore unworthy of any credit.

9. The Hon'ble Judges of the Chief Court seem to have been so hard against the petitioner perhaps for the reason that he is alleged to have been the custodian of two Bombs for sometime. This allegation, Your Excellency's petitioner would submit has only the approver's statement to support it. In any case nothing came out of the Bombs and the learned Judges ought to have considered the possibility that the petitioner might have availed of the locus penitentiae and destroyed the bombs.

10. Your Excellency's humble petitioner would, in the end, submit that even if all the allegations against him are taken to be perfectly true the fact remains that he had at least no direct connection with the murder and therefore he did not deserve in any case a sentence of death especially when the sentence of death is not compulsary under the law. Even if, in law, in an offence of conspiracy all the conspirators are equally guilty the Courts have always looked at the quantum of the guiltiness of the various accused in awarding sentences, and judged by this standard Your Excellency's petitioner earnestly submits that his case should be distinguished from the cases of those accused who have been found to have been directly concerned with the outrage itself.

11. Your Excellency's humble petitioner therefore throws himself at Your Excellency's mercy and prays that taking into consideration the circumstances of the case and the most insignificant part found to have been played by him in the case Your Excellency would be graciously pleased to exercise the prerogative of mercy and order a commutation of the sentence passed on him.

I am,
Your Excellency's humble petitioner.

Balmukand

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Telegram. P.

From----The Secretary of State for India.

To-----The Viceroy. Home Department.

Dated the 24th February 1915 @ 4-5 O. p.m.

Recd the 25th February 1915 @ 5. a.m.

.....

Delhi- Lahore trial. A petition presented by a London solicitor on behalf of Balmokand has been received by me praying for postponement of execution pending hearing of his application to the judicial committee for special leave to appeal, and I have replied that I am not prepared to take action on the petition in the absence of any recommendation from the authorities in India or request from Privy Council for postponement of execution.

I have ascertained that the same solicitor has approached the Privy Council which does not at present intend to make any communication to me on the matter. I will telegraph to you if any development occurs.

.....

Copies sent to the Home Department.

NATIONAL ARCHIVES OF INDIA

Poll 25/2/15 DHL 25/2

Pro. no. 370.

HOME DEPT. Poll: 1500 25/2/15

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No. 330

OFFICE MEMORANDUM.

TRANSFERRED to the Secretary to the Government of India in the **HOME** Department. **The petition mentioned in the telegram will be sent when received.**

No reply has been sent to the enclosed.

p. 68 post

VICEREGAL LODGE,
DELHI;
The 25th Feby 1915.

[signature]
Asst. Private Secretary to the Viceroy.

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C. INDIAN TELEGRAPHS. 68

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Transfer

Charges to pay.		Office Stamp.
Rs.	As.	DELHI 24 E.15 G.D.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Calcutta	24	15	40	X	22

Recd. here at H. M.

TO Excellency Viceroy
Viceroys Camp.

Memorial on behalf of basantakumar re delhi conspiracy case forwarded

(entered)

Hemchandra
Biswas 2/3 Premchand

N. B.—The name of the Sender, if telegraphed, is written after the text.

125A

140

NATIONAL ARCHIVES OF INDIA

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C.

INDIAN TELEGRAPHS.

NOTICE. This form must accompany any inquiry made respecting this Telegram.	Charges to pay. Rs.	As.	Office Stamp.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Recd. here at 16 H. 30 M.

11

= Boral. St Calcutta

125
B

N. B.—The name of the Sender, if telegraphed, is written after the text.

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NATIONAL ARCHIVES OF INDIA

Poll 26/2/15

Pro. no. 371.

HOME DEPT. INDIA. 137-A
Poll: 1515 26/2/15.
Regr No
Entered

No. 295 (Home).

From-

The Hon'ble Mr. J.P. Thompson, I.C.S.,
Revenue Secretary to Government, Punjab.

To-

The Secretary to the Government of India,
Home Department.

Home
Judicial.

Dated Lahore, the 25th of February 1915.

Sir,

In continuation of my letter No. 222, dated 16th February 1915, I am directed to forward, for disposal, a petition for mercy from Bal Mukand, prisoner under sentence of death in--- the Delhi Conspiracy case.

I have the honour to be,
Sir,
Your most obedient Servant,

J.P. Thompson.

Revenue Secretary to Government, Punjab.

-:(G.R.):-

126

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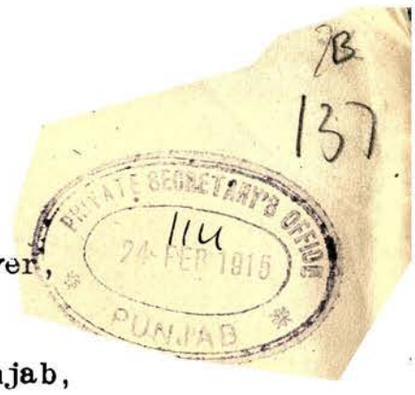
NATIONAL ARCHIVES OF INDIA



To

The Hon'ble Sir Michael Fracis O'Dwyer,
B.A., K.C.S.I., I.C.S.,
Lieutenant Governor of the Punjab,
L a h o r e.

The humble petition of Bal Mukand convict in the Delhi Conspiracy case for mercy most respectfully sheweth :-

1. That there is no allegation that the petitioner ever came in contact with Har Dayal or any other revolutionary teacher.

2. That no seditious literature, not even a book with any revo--lutionary tendencies was found in the possession of the petitioner; although his houses at Kariala and Jodhpur were searched without any previous notice to him. Nor was any other document or correspondence found with him which would in any way connect him with the conspiracy culminating in the murder of the Hindu peon in the Lawrence Garden. This has been admitted by the Chief Court, see page 21 Section 2 of the printed judgment.

3. That admittedly he had no hand either in the planing or the perpetration of the Bomb outrage. There is no allegation, even by the prosecution that the petitioner had any knowledge of the scheme or the outrage.

4. It is admitted that upto the alleged meeting in the Aggarwal Ashram in October 1912, Dina Nath did not know even peti--tioner's name although according to the approver he was to be appointed a leader of the Punjab propaganda at that very meeting. The learned Judges admit that it is a little strange though unfortunately they pass it over as immaterial.

5. Then again it is admitted that there is no corroboration of the Aggarwal Ashram Meeting and only Dina Nath's statement has been relied upon.

NATIONAL ARCHIVES OF INDIA

6. Even if it be taken for granted that the petitioner was instrumental in obtaining service for Basant Kumar it has not been proved that the petitioner had any knowledge at that time that Basanta was a revolutionary and not the poor begger he was passing for.

7. As to his connection with the dissemination of the Liberty leaflets the petitioner humbly begs to submit that he had admittedly no hand in the writing or the printing of the leaflets of May, and absolutely no concern with those of July and the only part he is alleged to have played with respect to the 3rd and 4th Liberty leaflets was that he told Dina Nath to take the papers to Bal Raj.

8. As regards his connection with other accused convicted in the case it is not even alleged that he knew any one except Bal Raj and Abad Bihari. His intimacy with the former is admitted but is by no means strange as Bal Raj was a son of the Principal of the College and a Class-fellow of the petitioner. As regards the petitioner's acquaintance with Abad Behari the only corroborative evidence is furnish-ed by the statements of Raghubir Singh and Sultan Chand which are contradictory. Raghubir Singh could not identify the petitioner and Sultan Chand who testifies to Bal Mukand's presence at Mussorrie is an approver himself who had been in the dock for months as an accused and had heard all the details of the case from the mouth of Dina Nath the principal approver and is therefore unworthy of any credit.

9. The Hon'ble Judges of the Chief Court seem to have been so hard against the petitioner perhaps for the reason that he is alleged to have been the custodian of two Bombs for sometime. This allegation, Your Honour's petitioner would submit has only the approver's statement to support it. In any case nothing came out of the Bombs and the learned Judges ought to have considered the possibility that the petitioner might have availed of the locus penitentiae and destroyed the bombs.

NATIONAL ARCHIVES OF INDIA

10. Your Honour's humble petitioner would, in the end, submit that even if all the allegations against him are taken to be perfectly true the fact remains that he had at least no direct connection with the murder and therefore he did not deserve in any case a sentence of death specially when the sentence of death is not compulsary under the law. Even if, in law, in an offence of conspiracy all the conspirators are equally guilty the Courts have always looked at the quantum of the guiltiness of the various accused in awarding sentences, and judged by this standard Your Honour's peti-tioner earnestly submits that his case should be distin-guished from the cases of those accused who have been found to have been directly concerned with the outrage itself.

11. Your Honour's humble petitioner therefore throws himself at Your Honour's mercy and prays that taking into considera-tion the circumstances of the case and the most insignifi-cant part found to have been played by him in the case Your Honour would be graciously pleased to exercise the preroga-tive of mercy and order a commutation of the sentence pass-ed on him.

I am,
Your Honour's humble petitioner,

Bal Mukand convict
Petitioner,
Through Jairam Das,
brother of Bal Mukand.

Dated Lahore :
The 23rd February 1915.

NATIONAL ARCHIVES OF INDIA

Pro. no. 372.

325. Telegram. P.

Pole, 1519 26/2/15

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From----The Secretary of State for India.

To-----The Viceroy. Home Department.

Dated the 25th February 1915 @

Recd the 26th February 1915 @ 7. a.m.

Please refer to my telegram of yesterday on the subject of the Delhi Lahore Case. Petition for special leave to appeal has been lodged with Privy Council who will hear arguments on the 3rd of March. I shall be represented by ~~[illegible]~~ Counsel, and will at once telegraph the result to you.

Copies sent to the Home Department.

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NATIONAL ARCHIVES OF INDIA

Urgent

No. 1331. Home.

Pro. No. 373,

HOME DEPT
GOVERNMENT OF INDIA.
Branch
Diary No 1539
Entered 26/2/15

From,

W. M. Hailey, Esquire, C.I.E., I.C.S.,
Chief Commissioner, Delhi.

To,

The Secretary to the Government of India,
Home Department.

Home.

Dated Delhi, the 26th of February 1915.

Sir,

I have the honour to refer to the Superintendent of District Jail Delhi's letters Nos. 326 and 330 dated the 24th of February 1915 to your address forwarding petitions for mercy from Balmukand and Amir Chand, prisoners under --- sentence of death in the Delhi Conspiracy case. I have no remarks to offer.

I have the honour to be,

Sir,

Your most obedient servant,

W M Hailey

Chief Commissioner.

(M.Khan).

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NATIONAL ARCHIVES OF INDIA

Pro. no. 374

IMMEDIATE.

142

Recd 26 2 15

MEMORANDUM.

An unsigned copy

FROM

THE PRIVATE SECRETARY TO H. E. THE VICEROY,

To

THE SECRETARY TO THE GOVT. OF INDIA,

Home DEPARTMENT.

Dated Delhi, the 26th Feb 1915.

X Appeal for postponement of execution of Basanta Kumar Biswas forwarded for necessary action.

H. Blair Freitas

for *Asst. Private Secy. to the Viceroy.*

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NATIONAL ARCHIVES OF INDIA

This is being also submitted thro' usual channel

143
77

To

His Excellency the Right Hon'ble Charles
Baron Hardinge of Penshurst, P.C., G.C.B.,
G.M.S.I., G.C.M.G., G.M.I.E., G.C.V.O., I.S.O
Viceroy & Governor General of India
in Council.

(Through The Hon'ble The Chief Commissioner
of Delhi).

The humble memorial of Basanta Kumar Biswas, son of Moti Lal Biswas of Paragocha, District Nadia, in Bengal prisoner under sentence of death in the Delhi Jail,

Most Respectfully Sheweth:-

1. That your humble memorialist was the accused No.1 in the case known as the 'Delhi Conspiracy Case', and was sent up with 10 other accused by Mr. V. Connolly, Magistrate of the 1st Class in the District of Delhi, on the 12th and 18th days of May 1914, to take their trial in the Court of Sessions at Delhi, on charges under Sections 302 yc ali of the Indian Penal Code.

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NATIONAL ARCHIVES OF INDIA

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2. That the charge, as finally altered on the 11th of July 1914, stood thus :- "That the 11 accused are charged with having agreed with one another and other persons to writ Dinanath, Sultan Chand, Rash Behari Bose, Har Dyal, Arjun Lal Sethi, Hari Ram Sethi, and other persons unknown, between the 27th of March 1913 and the 31st of March 1914, both at Lahore and Delhi and other places in British India, to commit the offence of murder, and with having thereby been parties to a Criminal Conspiracy in pursuance of which the murder of Ram Padarath was committed at Lahore on the 17th of May 1913.

3. That the trial took place before Mr. M.Harrison, Additional Sessions Judge, Delhi Province, and lasted from 21st May 1914 to 1st September 1914 and that the judgment of the learned Sessions Judge was delivered on the 5th day of October 1914.

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4. That by the said judgment the learned Sessions Judge agreeing with the Assessors found yc

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memoriali

NATIONAL ARCHIVES OF INDIA

memorialist guilty of the offence specified in the charge, namely, that your memorialist had committed the offence punishable under Sections 120 B and 302 of the Indian Penal Code but for reasons given in the said judgment at page 74, namely, "although Basanta Kumar Biswas handled a Bomb on more than one occasion, and although I am satisfied that he actually placed the bomb, which caused the death of Rampadarath and was meant to cause the death of many more, I am inclined to treat him leniently. He is very young being only 23 years of age and has developed mentally and physically than might be expected at that age. He comes of a very humble walk in life, having been a domestic servant of that dominating personality Rash Behari Bose, and he was neither socially nor by education the equal of his fellow conspirators. He was never admitted as far as I can judge, to the full dignity of membership of the Committee, and was treated more as a useful tool than as a real colleague. He knew

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perfectly

NATIONAL ARCHIVES OF INDIA

perfectly well what he was doing, but at the same time, I think that he deserves more consideration than those, who trained and taught and used him." the learned Judge sentenced your memorialist to transportation for life under Section 302 read with Section 120 B.

5. That your memorialist humbly submits that in the whole of the bulky record of this case, there is no evidence save that of Dinanath, a co-accused, since made an approver, to connect your memorialist with any knowledge of the plans of the conspirators more than that of a servant blindly following his master's bearings of with the actual placing of the bomb which caused the death of Rampadarath and, the reasonings by which the learned Sessions Judge tried to support the case against your memorialist at pages 48 and 50 of his judgment should rather have given your memorialist the benefit of a doubt.

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NATIONAL ARCHIVES OF INDIA

6. That from the above order of conviction and sentence your memorialist appealed to the Chief Court at Lahore and there was also an appeal on behalf of the Government against the said order, which both appeals came on for hearing before the Second Judge Sir Donald Johnstone and Mr. Justice Rattigan who while agreeing in their findings and on the sentences deliverd two separate judgments on the 11th February 1915, by which the sentence passed on your Memorialist by the learned Sessions Judge was enhanced and your memorialist has been condemned to death.

7. That so far as your memorialist is aware no date has yet been fixed for the carrying out of the above sentence of death.

8. That your memorialist has no intention of questioning the correctness of the findings arrived at by the learned Judges of the Punjab Chief Court, but begs to submit that assuming your

NATIONAL ARCHIVES OF INDIA

1147-P

memorialist is guilty as found by the learned Judges, yet forthe reasons given by the learned Sessions Judge in his judgment, the ends of justice wil' be equally well served by the sentence of transportation for life passed by the said learned Judge.

That your memorialist, therefore, humbly prays that, your Excellency will be pleased to call for the record of the case and, as an act of clemency, to commute the sentence of death passed upon him by the learned Judges of the Punjab Chief Court at Lahore into one of transportation for life, or to pass such other orders as your Excellency in Council may deem meet and proper in the circumstances of the case against your memorialist.

And for this act of mercy your memorialist as in duty bound shall ever pray.

NATIONAL ARCHIVES OF INDIA

Pro. No. 375

Telegram. P.

148

From----The Secretary of State for India.

To-----The Viceroy. Home Department.

Dated the 27th February 1915 @ 1-25. p.m.

Recd the 28th February 1915 @ 6. a.m.

.....

Please see my telegram of the 24th instant on the subejet of the Delhi Lahore trial. Solicitors are now instructed by Amir Chand Abad Behari and Basant Kumar also and have applied to me for postponement of execution to allow full papers to reach them with a view to amend petition to Privy Council Until the Judicial Committee has heard the petition of Balmokand next Wednesday I do not propose to do anything.

Copies sent to the Home Department.

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NATIONAL ARCHIVES OF INDIA

No. 343.

OFFICE MEMORANDUM.

TRANSFERRED to the Secretary to the Government of India in the Home Department.

VICEREGAL LODGE,
DELHI;
The 27 February 1915.

H Blair Freitas

for Asst. Private Secretary to the Viceroy.

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NATIONAL ARCHIVES OF INDIA

C.

INDIAN TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.	
Rs.	As.

DELHI Office Stamp. 27 FEB 15

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words
LAHORE.	27	10	5.		32.

Recd. here at 10 H. 40-

TO

H. E. GOVERNOR GENERAL.

DELHI.

DELHI CONSPIRACY CASE, SIR ROBERT FINLAY ENGAGED BY CABLE TO FILE BALMOKANDS-APPEAL IN PRIVY COUNCIL GRACIOUSLY SUSPEND EXECUTION. - JAIRAMDASS DAYANAND SCHOOL BOARDING BROTHER OF BALMOKAND.-

N. B.—The name of the Sender, if telegraphed, is written after the word

NATIONAL ARCHIVES OF INDIA

P.R.O. No. 377

DRAFT TELEGRAM.

File No. .151
Serial No.

y, General or Register No.
of despatch of Wire Copy
of despatch of Post Copy
of Viceroy's File Copy

Class Express.

Heading Poll.

No. 828, 1st March ~~February~~ 1915.

FROM (Station.) Delhi
(Person) Home

To (Station) Lahore
(Person) Jairam Dass,
Repeat to Dayanand Boarding House,

Code Word.

Your telegram dated 27th February.

Execeution Balmokand will not be carried out until decision of privy Council ~~in the appeal lodged~~ is known with regard to admission of appeal.

Pros.

Nos. 158

. 9.

NATIONAL ARCHIVES OF INDIA

Pro. no. 378.

152

Home DEPARTMENT.

Poll. BRANCH.

File No.

Serial No.

General, Diary or Regr. No. of letter replied to

Whether a reply is required or not

List of Enclosures

HEADING—

No. 840

Delhi, the 22nd March 1915.

To

The Superintendent,
District Jail,
Delhi.

Sir,

With reference to your endorsement, without no., dated the 23rd February 1915, forwarding copy of a letter dated the 22nd February 1915, from Mr. Nanak Chand, Barrister-at-Law to your address, together with a petition from the condemned ~~prisoner~~ prisoner Abad Behari, I am directed to say that until intimation has been received that the Privy Council have decided to ~~admit the petition~~ accede to the prayer on his behalf for special leave to appeal ~~presented to them~~ the G.G. in C. will not be prepared to postpone

In the due and file

142

Proceedings for

No.

S. G.

159

NATIONAL ARCHIVES OF INDIA

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execution in the event of the petition for mercy now under consideration by him being rejected.

2. I am to request that the prisoner and his advocate, Mr. Nanak Chand, may be informed accordingly.

I have etc.

Sd/- H W E Holton

Deputy Secy.

NATIONAL ARCHIVES OF INDIA

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160

No. 213 Pro. no 373.

HOME DEPT.
GOVERNMENT OF INDIA
Branch Poll
Regr. No 1620
Entered 2/3/15

89
154.

2/3

From

Lt. Col. A. W. T. BUIST. I. M. S.

Superintendent District Jail

AMBALA

To

The Secretary to Government of INDIA

Delhi

Dated AMBALA THe 28.2.15

Sir,

I have the honour to request that you will be good enough to inform me (if possible) when I may expect to receive a reply to the Petition for mercy from Condemned prisoner Basant Kumar to HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL OF INDIA ~~sent~~ forwarded to you by the Revenue Secretary to Government Punjab. ~~on~~ The last-named officer informed me that he had done so in his letter to me d/d 16th February 1915.

I have the honour to be

Sir

Your most obedient servant

A. W. T. Buist Lt. Col. I. M. S.

Superintendent District Jail

AMBALA.

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NATIONAL ARCHIVES OF INDIA

Pro. No. 380.

155

DRAFT TELEGRAM.

File No.
Serial No.

Diary, General or Register No. Issue 813
Hour of despatch of Wire Copy
Date of despatch of Post Copy
Date of Viceroy's File Copy

Class Express.

Heading Poll.

No. 864, 23 March 1915.

FROM (Station) Delhi
(Person) Home

To (Station) Ambala
(Person) Superintendent Distt. Jail

Repeat to

Code Word.

Your letter No. 213 dated 28th February. Basant Kumar's petition for mercy still under consideration. Orders of Government of India will be communicated in due course, and Execution should not ~~however~~ be carried pending their out ~~until~~ receipt ~~of orders govt. of India~~.

Please acknowledge receipt.

145

Pros.

Nos. 162

NATIONAL ARCHIVES OF INDIA

Pol 864

INDIAN TELEGRAPHS.

A. R. *Receipt for Inland or Foreign Telegram.*

No. 216

Date Stamp.

DELHI 3 MAR 15 G.T.D. 145 A

The charges entered upon this form have been duly paid in respect of the telegram indicated by number.

The sum stated includes extra charges, if any, paid for Reply, Delivery, etc.

Should any reference become necessary, the production of this receipt will enable the telegram to be traced by the office of origin within seven days of the date of its despatch—thereafter applications regarding *Refunds* of the cost of this telegram should be addressed to the Assistant Accountant-General, Telegraph Check Office, Calcutta, and *complaints* respecting it to the Director-General of Telegraphs, Traffic Branch, Calcutta, within two months of the date of the telegram in the case of an Inland and five months in the case of a Foreign telegram.

Stamps for the charges on the telegram should be affixed by the Sender to the message form to which this Receipt relates.

Amount paid.	Rs	As.	Pies.
Ordinary			
Express			
Foreign			

NATIONAL ARCHIVES OF INDIA

Pull 3/3

JH. 3/3 Pro. no. 381 no. 374

HOME DEPT
GOVERNMENT OF INDIA.
Branch Poll: 1650
Regr No
Entered 3/3/15

91
156

MEMORANDUM.

FROM

THE PRIVATE SECRETARY TO H. E. THE VICEROY,

To

THE SECRETARY TO THE GOVT. OF INDIA,

Home DEPARTMENT.

Dated Delhi, the 3rd March *191*[illegible].

Appeal for postponement of execution of Amirchand forwarded for necessary action.

146

[illegible]

for Asst. Private Secy. to the Viceroy.

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NATIONAL ARCHIVES OF INDIA

INDIAN TELEGRAPHS. No. 92

DELHI 3 MR 15 G.T.D.

157

11/45

O 2 1 LAHORE 3 59 REGISTRAR P S VS OFFICE DELHI.

RE EXECUTION OF AMIRCHAND DELHI CONSPIRACY BEG TO SUBMIT THAT PAPERS FORWARDED TO COUNCIL IN LONDON FOR APPEALING TO HIS MAJESTY IN COUNCIL ON LEGAL GROUNDS ANXIOUSLY AWAITS YOUR EXCELLENCYS GRACIOUS PLEASURE AS TO RESPITE OF SENTENCE TILL APPEAL ADDSD VICEROY COPY REGISTRAR P S VS OFFICE DELHI RAGHUNATHSAHAI. PLEADER CHIEF COURT.

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RECD 14/45

This form must accompany any enquiry respecting this telegram

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NATIONAL ARCHIVES OF INDIA

Poll 3/3/15 HL 3/3 Pro. no. 382. 158

No. 1396 Home.

URGEN

HOME DEPT
INDIA
Branch Poll
Regr. No. 165
Entered 3/3/15

From,

W. M. Hailey, Esquire, C.I.E., I.C.S.,
Chief Commissioner, Delhi.

To,

The Secretary to the Government of India,
Home Department, Delhi.

Home. Dated Delhi, the 3rd of March 1915.

In main file.

Sir,

In continuation of my letter No. 1331-Home dated the 26th of February 1915, I have the honour to forward for the orders of the Government of India a copy of a telegram dated 3rd March 1915 from L. Raghunath Sahai, Pleader, Chief Court, regarding Amir Chand, prisoner under sentence of death in the Delhi conspiracy case.

I have the honour to be,

Sir,

Your most obedient servant,

WMHailey

Chief Commissioner.

(M.Khan).

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NATIONAL ARCHIVES OF INDIA

Copy of a telegram dated the 3rd of March 1915 from L. Raghunath Sahai, Pleader, Chief Court, Punjab, Lahore, to the Chief Commissioner of Delhi.

Regarding execution of Amirchand, Delhi conspiracy beg to submit that papers forwarded to Council in London for appealing to His Majesty in Council on legal grounds anxious--ly awaits your Excellency's Gracious pleasure as to respite of sentence till appeal.

NATIONAL ARCHIVES OF INDIA

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Pro. no. 383.

160

DRAFT TELEGRAM.

File No.
Serial No.

...ary, General or Register No.
...our of despatch of Wire Copy
...ate of despatch of Post Copy
...ate of Viceroy's File Copy

Class Express.

Heading Judicial.

No. 869, 4th March 1915.

Precedent at corres p. 3

FROM (Station) Delhi
(Person) Home

To (Station) Lahore.
(Person) Raghunath Sahai, Pleader, Chief Court.

Code Word.

Repeat to

Your telegram dated 3rd March.

Execution Amir Chand will not be carried out until decision of privy council is known with regard to admission of appeal.

No. 870.

Copy forwarded to the Supdt. District Jail, Delhi, with the remark that the above applies also to the cases of Balmokand and Aba Behari

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Pros.

Nos.

S. 9.

168

NATIONAL ARCHIVES OF INDIA

Poll 869

INDIAN TELEGRAPHS.

A. R. ***Receipt for Inland or Foreign Telegram.***

No. 11

Date Stamp.

DELHI 4 MR.15 G.T.D.

150A

The charges entered upon this form have been duly paid in respect of the telegram indicated by number.

The sum stated includes extra charges, if any, paid for Reply, Delivery, etc.

Should any reference become necessary, the production of this receipt will enable the telegram to be traced by the office of origin within seven days of the date of its despatch—thereafter applications regarding *Refunds* of the cost of this telegram should be addressed to the Assistant Accountant-General, Telegraph Check Office, Calcutta, and *complaints* respecting it to the Director-General of Telegraphs, Traffic Branch, Calcutta, within two months of the date of the telegram in the case of an Inland and five months in the case of a Foreign telegram.

Stamps for the charges on the telegram should be affixed by the Sender to the message form to which this Receipt relates.

Amount paid.	Rs	As.	Pies.
Ordinary			
Express	3	12	—
Foreign			

NATIONAL ARCHIVES OF INDIA

Pro. no. 388.

HOME DEPT
GOVERNMENT OF INDIA
Branch Poll.
Regr No 1653
Entered 4/3/15

162

TELEGRAM. P.

From Secretary of State

To Viceroy (Home Department)

Dated London, the 3rd March 1915 at 8-35 p.m.

Received 4th ditto 4-15 a.m.

Clear the line. Priority. The following is most urgent. Delhi-Lahore case. Today the Judicial Committee of the Privy Council gave preliminary hearing to Finlay on behalf of all four accused and decided that it would hear application for leave to appeal a fortnight after the materials have reached appellant's counsel. The Lord Chancellor observed: Begins: "What view the executive may take of that is for the executive to decide. We make no order on this petition. It will simply stand over till a fortnight after the arrival of the transcription." Ends.

(2) I consider that the Privy Council, while technically making no order, have rendered it impossible to hang the persons whose appeal is pending and will be heard if they are still alive. In these circumstances I think it essential to postpone all four executions for at least forty days.

(3) What decision have you given on the petitions for clemency? If you have rejected these I see no reason why capital sentences should not eventually be carried out if the appeal fails.

(4) It is clear to me that this further case will make it absolutely necessary to deal with the entire question of the methods by which of late the Privy Council has allowed itself to be turned into a court of criminal appeal from India to the disadvantage of the administration of justice since it cannot possess the material for reasoned decisions on questions of fact. The above is with reference to my telegram of the 27th of February.

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Copies sent to Secretary and Registrar, Home Department.

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NATIONAL ARCHIVES OF INDIA

Pro. no 385.

HOME DEPT
GOVERNMENT OF INDIA
Branch Poll
Regr No 1654
Entered 4/3/15

163

From,

The Superintendent District Jail,

Delhi.

To,

Death Case - Urgent.

The Secretary to the Govt: of India,

Home Department, Delhi.

No: 366

Delhi. The 3rd March 1915.

Sir,

I have the honour to acknowledge the receipt of your letter No:840 dated the 2nd March 1915, communicating orders of His Excellency the Governor General in Council on the petition from the condemned prisoner Abad Behari for stay of execution pending the decision of the Privy Council, and to state that the prisoner and his advocate Mr: Manak Chand have been informed of these orders.

Corres p. 4

I have the honour to be,

Sir,

Your most obedient servant,

152

W. H. Ophoie

Lt: Col: I.M.S.,

Superintendent Distt: Jail,

Delhi.

NATIONAL ARCHIVES OF INDIA

171

Pro. No. 386

DRAFT TELEGRAM.

96
164

File No.
Serial No.

*Diary, General or Register No.*_____
*Hour of despatch of Wire Copy*_____
*Date of despatch of Post Copy*_____
*Date of Viceroy's File Copy*_____

Class_____.

Heading_____.

No. 884, 5th March 1915.

FROM (Station) DELHI
(Person) HOME

To (Station) AMBALA
(Person) SUPERINTENDENT DISTRICT JAIL.

Repeat to_____

Code Word.

Continuation Home Department

telegram 864 3rd March. Basanta Kumar.

Pending decision of Privy Council with regard to admission of appeal execution fixed for eighth March should be postponed.

153

Pros.

Nos.

172

S. 9.

NATIONAL ARCHIVES OF INDIA

165

Poll 884

INDIAN TELEGRAPHS.

A. R. *Receipt for Inland or Foreign Telegram.*

No. 12

Date Stamp.

The charges entered upon this form have been duly paid in respect of the telegram indicated by number.

The sum stated includes extra charges, if any, paid for Reply, Delivery, etc.

Should any reference become necessary, the production of this receipt will enable the telegram to be traced by the office of origin within seven days of the date of its despatch—thereafter applications regarding *Refunds* of the cost of this telegram should be addressed to the Assistant Accountant General, Telegraph Check Office, Calcutta, and *complaints* respecting it to the Director General of Telegraphs, Traffic Branch Calcutta, within two months of the date of the telegram in the case of an Inland and five months in the case of a Foreign telegram.

Stamps for the charges on the telegram should be affixed by the Sender to the message form to which this Receipt relates.

Amount paid.	Rs.	As.	Pies.
Ordinary			
Express	3	14	—
Foreign	—		

NATIONAL ARCHIVES OF INDIA

123

C. INDIAN TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.		Office Stamp.
Rs.	As.	DELHI 4 MR.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO Ambala L 4 16 20 Recd. here at State H. 18 M.

Home Delhi 17/6

Your Telegram of 3rd inst regarding condemned convict basantkumar received and noted

Jail

154

x 3rd

N. B.—The name of the Sender, if telegraphed, is written after the text.

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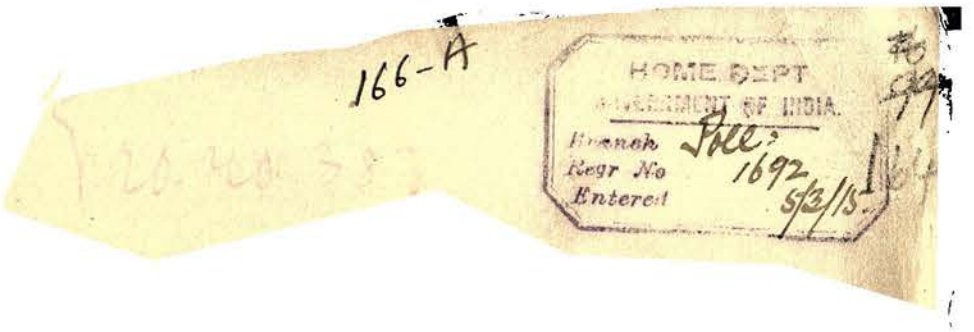
NATIONAL ARCHIVES OF INDIA



NATIONAL ARCHIVES OF INDIA

Pro. No. 388.

168 B

Copy of an ordinary telegram dated 4.3.15. from the Superintendent District Jail AMBALA to the Secretary to the Government of India (Home) Dehli.

HOME DEPT
GOVERNMENT OF INDIA.
Branch
Regr No
Entered
Toll: 169 5/3/15

Your telegram of 3rd instant regarding Condemned convict Basant Kumar received. Orders noted.

No. 240 dt 4/3/15

Copy forwarded by post.

A. J. Smith.
Lt. Col. I.M.S.

Superintendent District Jail

AMBALA.

155

176

NATIONAL ARCHIVES OF INDIA

C. Poll 5/3/15

INDIAN TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.	
Rs.	As.

Office Stamp: DELHI 5 MR.15 G.T.D.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Ambala L	5	16	40	State	23

TO Home Delhi

Recd. here at 17 H. 58 M.

corres/113

Your telegram 884 of date Regarding condemned convict basant Kumar received stop his execution has been postponed

= Jail -

156

N. B.—The name of the Sender, if telegraphed, is written after the text.

172

166-C.

NATIONAL ARCHIVES OF INDIA

HOME DEPT
GOVERNMENT OF INDIA
Branch Poll
Regr No. 1703
Entered 6/3/15
166
D

NATIONAL ARCHIVES OF INDIA

C. INDIAN TELEGRAPHS.

Pol 6/3 Bill 6/3

DEL 6 MR. 15 G.T.B.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay. Rs. As.

Office Stamp.

Hw 26

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Lahore	6	9	50		32

TO Lahore

Recd. here at 10 H. 24 M.

Home Secy Govt of India Delhi

Delhi conspiracy case solicitors cable petition special appeal heard 3rd march adjourned until fortnight after arrival

157

N. B.—The name of the Sender, if telegraphed, is written after the text.

179

167

NATIONAL ARCHIVES OF INDIA

C.

INDIAN TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.		Office Stamp.
Rs.	As.	

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Recd. here at H. M.

11

papers in england pray note

Jairamdas
Brothers of
Balmakand

157 A

N. B.—The name of the Sender, if telegraphed, is written after the text.

NATIONAL ARCHIVES OF INDIA

NATIONAL ARCHIVES OF INDIA

157 B

181

170

494. Telegram. P.

From----The Secretary of State for India.

To------The Viceroy. Home Department.

Dated the 25th March 1915 @ 4-55. p.m.

Reed the 26th March 1915 @ 7. a.m.

.....

Delhi Lahore conspiracy. Reference your telegram of the 4th instant. I understand that the Privy Council will not begin hearing of petition before the 15th of April at the earliest. This necessitates the postponement of executions well beyond forty days suggested in my telegram of the 3rd of March. Copy at 73

Your telegram of the 20th instant will be replied to separately.

Copies sent to the Home Department.

182

NATIONAL ARCHIVES OF INDIA

171

Pro. No. 391.

183

NATIONAL ARCHIVES OF INDIA

Copy 2
Issue

Pro no 392

172

DRAFT TELEGRAM.

Diary, General or Register No.
Hour of despatch of Wire Copy
Date of despatch of Post Copy
Date of Viceroy's File Copy

Issue No 27

File No.
Serial No.

Class Foreign.

Heading Political.

No. 1174, 28th March 1915.

FROM (Station) Delhi
(Person) Viceroy to Secretary of State.

To (Station) London.
(Person)

Repeat to

Code Word.

Comes p 84

Your telegram dated 25th March.

Delhi Lahore Conspiracy Case. Execution of all four condemned prisoners has been ~~indefinitely~~ until orders Privy postponed ~~until decision of Privy Council~~ Council known ~~is known with regard to admission of~~ ~~appeal.~~ We have considered petitions for mercy from condemned prisoners addressed to us and have decided to reject them should the Privy Council refuse to ~~admit their~~ grant leave to appeal. Orders will however not issue ~~till~~ until result of reference to Privy Council is known.

1. Sobrosando
2. Everrisseme
3. Florulento
4. Oblacebunt
5. Pallonasti
6. ~~Cermatista~~
7. Cratibamus
8. ~~to~~ Subida
9. Adulandos
10. Denoncames
11. Pallonasti
12. Potamageto
13. Purgitetur
14. Postarella
15. Pallonasti

159

Pros. Nos.

S. 9.

184

NATIONAL ARCHIVES OF INDIA

Pro. No. 393

HOME DEPT
GOVERNMENT OF INDIA.
Branch Pol. H
Regr. No 2532
Entered 12.4.1915

173

INDIA OFFICE,

London, S. W.,

19th March 1915.

J. & P. 1068.

DEAR WHEELER,

With reference to the correspondence ending with the Viceroy's telegram of the 4th instant, I forward, for information, copy of the papers noted in the margin*, on the subject of the Privy Council proceedings arising out of the Delhi-Lahore conspiracy trial.

* Shorthand transcript of proceedings.
Judgment of the Judicial Committee.

In separate file regarding the trial, etc.

Yours sincerely,

M. C. SETON,

Secretary, Judicial and Public Department.

The Secretary to the Government of India,
Home Department.

(IN THE PRIVY COUNCIL.)

Council Chamber, Whitehall,

Wednesday, 3rd March 1915.

Present :

THE RT. HON. THE LORD CHANCELLOR, (VISCOUNT HALDANE OF CLOAN).

THE RT. HON. LORD DUNEDIN.

THE RT. HON. LORD ATKINSON.

THE RT. HON. SIR GEORGE FARWELL.

THE RT. HON. AMEER ALI.

BALMUKAND AND OTHERS

vs.

THE KING-EMPEROR.

Petition for Special Leave to Appeal from the Chief Court of the Punjab.

(Transcript of the Shorthand Notes of Marten, Meredith and Company, 8 New Court, Carey Street, W. C.)

SIR ROBERT FINLAY.—My Lords, this is a Petition for Special Leave to Appeal by four persons who have been sentenced to be hanged and are now under

160

185

NATIONAL ARCHIVES OF INDIA

that sentence in India, in respect of an alleged conspiracy to commit murder. At present, we are in this position. The decision of the Chief Court of the Punjab was only given in the second week of February. That decision dismissed the appeal from the judgment of Mr. Justice Harrison who had tried the case at Delhi and we have not yet got the transcript of the evidence and we have not yet got the judgment of the Chief Court. The judgment of Mr. Justice Harrison was handed to us, I think, by an official of the India Office yesterday; anyhow we got it yesterday. Under those circumstances, I should ask your Lordships to delay the hearing of this Petition until, say, a week after the transcript of the evidence and the judgment of the Chief Court arrives.

THE LORD CHANCELLOR.—That would be reasonable enough but you ask for something more. You ask us to interfere with the execution of the sentence. That is a thing this Board never does. I will not say there may not be some conceivable cases in which it might be that they would give that advice to the Crown. It is like the analogy of the prerogative of pardon. If you communicate with the Government of India the fact that *there is an appeal* to this Board *pending*, the Government of India will give due weight to that no doubt, but we express no opinion as to whether the Government of India ought to suspend the sentence or not.

SIR ROBERT FINLAY.—If your Lordship says that I will not press your Lordships to add a recommendation, but I submit that it would be a matter, of very great hardship if, before the transcript arrives, the sentence was carried out.

THE LORD CHANCELLOR.—Still that is a matter for the Executive. This Board is not a Court of Criminal Appeal as we have very often said. In a very outrageous case we do interfere and advise the Crown, but unless such a case was made out before us we should not tender any advice. I do not say whether we should tender any in any case. You are not in a position to say whether you can make out such a case or not.

SIR ROBERT FINLAY.—I have only this Petition which was drawn here on such materials as we had, which were very slender.

LORD ATKINSON.—We should not give you Leave to Appeal without more information.

SIR ROBERT FINLAY.—No, my Lord, and I could not properly lay my case before your Lordships until I have the judgment of the Chief Court and more particularly the transcript of the evidence. A very great deal may depend upon what was the nature of any corroboration of the Approver on whose evidence the Defendants were convicted.

LORD ATKINSON.—I think in one case you applied for Leave to Appeal and then communicated with the Executive.

SIR ROBERT FINLAY.—Yes, my Lord, that was a case from Madras. May I bring to your Lordships' attention this letter which we had from the India Office. It is dated the 23rd February 1915, and is addressed to Messrs. Barrow, Rogers and Nevill, the Solicitors for the Petitioners: "Gentlemen, with reference to the Petition left with this Office", etc., etc., (Reads the letter). That seems almost to intimate that if your Lordships should see fit to make any recommendation they would consider the matter.

THE LORD CHANCELLOR.—I do not think it can be said that it is our practice to make any recommendation in such a case as the one we have before us. In a very extreme case we might express a view for the consideration of the Executive. We are not in a position to do more than to say here: You have presented a Petition and when the materials come their Lordships will hear it and decide whether leave is to be given or not. What view the Executive may take of that is for the Executive to decide.

SIR ROBERT FINLAY.—If your Lordship pleases. I hope that will be enough. That will be a matter for the Executive. Then the postponement I ask for is until a fortnight after the arrival of the transcript of the evidence and judgment of the Chief Court.

THE LORD CHANCELLOR.—Yes, we make no order on this Petition at all; it will simply stand over until a fortnight after the arrival of the transcript.

SIR ROBERT FINLAY.—If your Lordship pleases.

NATIONAL ARCHIVES OF INDIA

Balmukand and Others *Petitioners*

vs.

The King-Emperor *Respondent.*

FROM

THE CHIEF COURT OF THE PUNJAB.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL IN THE MATTER OF THE PETITION FOR SPECIAL LEAVE TO APPEAL, DELIVERED THE 3RD MARCH 1915.

Present at the Hearing:

THE LORD CHANCELLOR
LORD DUNEDIN.
LORD ATKINSON.
SIR GEORGE FARWELL.
MR. AMEER ALI.

[*Delivered by* THE LORD CHANCELLOR.]

Their Lordships are unable to advise His Majesty to make any order on the petition for special leave to appeal at this stage.

With regard to staying execution of the sentence of death, their Lordships are unable to interfere. As they have often said, this Board is not a Court of Criminal Appeal. The tendering of advice to His Majesty as to the exercise of His Prerogative of pardon is a matter for the Executive Government, and is outside their Lordships' province. It is, of course, open to the Petitioners' advisers to notify the Government of India that an appeal to this Board is pending. The Government of India will no doubt give due weight to the fact, and consider the circumstances. But their Lordships do not think it right to express any opinion as to whether the sentence ought to be suspended.

NATIONAL ARCHIVES OF INDIA

176

In the Privy Council.

BALMUKAND AND OTHERS

vs.

THE KING-EMPEROR.

DELIVERED BY
THE LORD CHANCELLOR.

151 D—40—16-4-15—GCBP Simla

188

NATIONAL ARCHIVES OF INDIA

Pro. No. 3 9/14
Home, Sec Section

Home DEPARTMENT.
Political BRANCH.

File No. 108
Serial No. 177

General, Diary or Regr. No. of letter replied to } 2532

Whether a reply is required or not }

List of Enclosures

HEADING—

No. 1344, 1345,

Simla the 19th April 1915

To

The Chief Secy to the Govt: of the Punjab

The Chief Commr: of Delhi

Sir,

I am directed to forward, for the info:n of H.H. the Lt. Governor, for your information, a copy of a letter from the India Office no: P. 1068, of the 19th March 1915 and enclosures on the subject of the proceedings before the Privy Council arising out of the Delhi-Lahore Conspiracy case.

I have &c
Sd/- H Wheeler

Corresp/p 86

161

No. 189

Proceedings for

S. 6.

NATIONAL ARCHIVES OF INDIA

Pro. no. 395.

178

NATIONAL ARCHIVES OF INDIA

Viceroy to Secretary of State.

Telegram P., No. 446, 22nd April 1915, 11-55 p. m. (Despd. for Home Dept.)

Corr/p, 84

Delhi-Lahore Conspiracy case. Your telegram, dated the 25th March 1915. Before hearing of petition is taken up by Judicial Committee, we would be glad to know whether there is any likelihood of further delay occurring.

162

190

Pro. no. 396.

179

HOME DEPT
GOVERNMENT OF INDIA.
Branch Poll:
Regr. No 2925
Entered 27/4/15

No. 663. Telegram P.

From..... Secretary of State.

To..... Viceroy (Home Dept.).

Dated London, 26th April 1915 @ 1-45 P.M.

Received 27th do. @ 5 A.M.

Delhi-Lahore case. The hearing of the petition to the Privy Council has been fixed for the 27th of April. I will telegraph result. This is with reference to your telegram of the 22nd instant.

Corres: p. 90

(Copies sent to Home Department).

163

191

NATIONAL ARCHIVES OF INDIA

Urgent. Pro. 20. 365.
No: 1256 Home.

HOME DEPT
GOVT OF INDIA
Branch
Regr No
Entered
Poll: 1439
24/4/15.

189

From,

W. M. Hailey, Esquire, C.I.E., I.C.S.,

Chief Commissioner, Delhi.

To,

The Secretary to the Government of India,

Home Department.

Home. Dated Delhi, the 23rd of February 1915.

Sir,

With reference to the Superintendent of Jail, Delhi's letter No. 292, dated the 19th of February 1915, I have the honour to forward, herewith, in original a petition for mercy from Avadh Behari, a prisoner under sentence of death in the Delhi conspiracy case received through Lala Nanak Chand ------ Advocate.

2. I have no remarks to offer.

I have the honour to be,

Sir,

Your most obedient servant,

WMHailey

Chief Commissioner.

(M.Khan).

164

192

NATIONAL ARCHIVES OF INDIA

181

Poll: 29/4 India to Engh

678. Telegram. R.

HOME DEPT
GOVERNMENT OF INDIA
Branch Poll:
Regr No 2964
Entered 29/4/15

From----Secretary of State for India.

To-----Viceroy. Home Department.

Dated the 28th April 1915 @ 7-50. p.m.

Recd the 29th April 1915 @ 9. a.m.

.....

Delhi Lahore Case. Privy Council has today dismissed all the petitions for special leave to appeal. This is in continuation of my telegram# of the 26th instant.

Comes: page 91

Copies sent to the Home Department.

165

193

NATIONAL ARCHIVES OF INDIA

I

Issue 30/4

Pro. no. 398.

182

176 112

Home Department.

EXPRESS.

Telegram no. 1450, (~~Judicial~~ Political), dated the 30th April, 1915.

To—Superintendent, District Jail, Delhi.

Number ~~Judicial~~ Polit. Refce: Corres: Ending with, Your number 326 dated 24th Feby 1915 Governor General in Council declines to interfere on behalf of Sal Mukand under sentence of death in Delhi District Jail. Will be confirmed by letter to-day. Please wire date fixed for Execution

Corres: page 62

Deputy Secretary.

No. 1459, 1460.

Copy forwarded to the Govt. of the Punjab / C.C. of Delhi for infn., in contn. of the corres: ending with the H.D. letter no: 1344/1345, d. the 19th April 1915, with the ~~remark~~ intimation that the Privy Council on the 28th April 1915 dismissed all the ~~petitions~~ ~~[illegible]~~ petitions for special leave to appeal in the Delhi-Lahore Conspiracy case.

Corres: page 89

ubo 92

519HD—200—20-9-13—GCBP Simla

167

194

NATIONAL ARCHIVES OF INDIA

Pro. no 399. 183 115

II

Home Department.

EXPRESS.

Telegram no. 1451 (~~Judicial~~ Polt.), dated the 30th April, 1915.

To—Superintendent, District Jail, Delhi.

Number ~~Judicial~~ Polt. Refce: corres: ending with your number 330 dated 24th Feby 1915 Governor General in Council declines to interfere on behalf of Amir Chand under sentence of death in Delhi District Jail. Will be confirmed by letter to-day. Please wire date fixed for execution

Corres: page 58

Deputy Secretary.

No. 1461, 1462.

Copy forwarded to the Govt: of the Punjab
C.C. of Delhi

for infn., in contn. of the Home deptt. endt no. 1459/1460 of this days date

Corres: page 93

168

519HD—20—20-9-13—GCBP Simla

195

NATIONAL ARCHIVES OF INDIA

III

Pro. no. 400.

184
~~114~~

EXPRESS.

Home Department.

Telegram no. 1452 (~~Judicial~~ Poltl), dated the 30th April 1915.

To—Superintendent, District Jail, Delhi.

Corres: page 56

Number ~~Judicial~~ Poltl.-Refce: corres: ending with Your ~~number~~ endorsement dated 23rd Feby 1915 Governor General in Council declines to interfere on behalf of Abad Behari under sentence of death in Delhi District Jail. Will be confirmed by letter to-day. Please wire date fixed for execution

Deputy Secretary.

No: 1463, 1464.

Copy forwarded to the Govt: of the Punjab C.C. of Delhi for information, in contn. of the H.D. Endt no: 1461/1462 of this days ~~[illegible]~~ date.

Corres: page 94

169

519HD—20—20-9-13—GCBP Simla

196

NATIONAL ARCHIVES OF INDIA

IV

Pro. no. 401.

185

179 ~~115~~

EXPRESS.

Home Department.

Telegram no. 1453, (~~Judicial~~ Polt.), dated the 30th April, 1915.

To—Superintendent, District Jail, ~~Delhi~~ Ambala.

Number ~~Judicial~~ Polt. Reference corres: ending with Your number 183 dated 21st July 1915 Governor General in Council declines to interfere on behalf of Basant Kumar Biswas under sentence of death in ~~Delhi~~ Ambala District Jail. Will be confirmed by letter to-day. Please wire date fixed for execution

Corres: p. 42

Deputy Secretary.

No. 1465, 1466.

Copy forwarded to the Govt. of the Punjab
C.C. of Delhi

for infn., in contn. of the H.D.

Corres: page 95

Endt no. 1463/1464 of this day's date

170

519HD—20—20-9-13—GCBP Simla

197

NATIONAL ARCHIVES OF INDIA

I

Pro. No. 402

186
1915
116

No. 1467 dated the 30th April 1915.

Home Department.
~~Judicial.~~
Pol.

To—The Superintendent of the District Jail,
Delhi.

SIR,

Copies: page 62

With reference to your letter no. 326, dated the ~~24th April 1915~~ submitting an appeal for mercy from Bal Mukand, a prisoner under sentence of death in the Delhi District Jail, I am directed to forward a copy of a telegram sent to you this day no. 1457-J. (~~Judicial~~ Political), stating that the Governor General in Council declines to interfere on behalf of the prisoner.

" " 93

I have, etc.,

Deputy Secretary.

1.71

519 HD—200—20-9-13—GCBP Simla

198

NATIONAL ARCHIVES OF INDIA

F. No. 40. 403

187

No. 1468 dated the 30th April 1915.

Home Department.
~~Judicial~~
Pol.

To—The Superintendent of the District Jail,
Delhi.

SIR,

With reference to your letter no. 330, dated the 24th April submitting an appeal for mercy from Amir Chand, a prisoner under sentence of death in the Delhi District Jail, I am directed to forward a copy of a telegram sent to you this day no. 1451, (Pol ~~Judicial~~), stating that the Governor General in Council declines to interfere on behalf of the prisoner.

Cortes: pages 5-8

94

I have, etc.,

Deputy Secretary.

172

519 HD—200—20-9-13—GCBP Simla

199

NATIONAL ARCHIVES OF INDIA

VII

Pro. no. 404.

188 ~~97~~ 115

No. 1469 dated the 30th April 1915.

Home Department.
~~Judicial~~.
Polt.

To—The Superintendent of the District Jail,
Delhi.

SIR,

With reference to your ~~letter~~ endorsement ~~no.~~ without number, dated the 23/2/1915 ~~submitting an~~ relating to appeal for mercy from Abad Behari, a prisoner under sentence of death in the Delhi District Jail, I am directed to forward a copy of a telegram sent to you this day no. 1452 (~~Judicial~~ Polt.), stating that the Governor General in Council declines to interfere on behalf of the prisoner.

Corres: p. 56

Corres: p. 95

I have, etc.,

Deputy Secretary.

172
A

519 HD—200—20-9-13—GCBP Simla

200

NATIONAL ARCHIVES OF INDIA

VIII

Pro. No. 405.

189

No. 1470 dated the 20th April 1915.

Home Department.
~~Judicial~~.
Pol. R.

To—The Superintendent of the District Jail,
~~Delhi~~ Ambala

SIR,

Correc: page 36

With reference to your letter no. 163, dated the 17/18-7-1915 ~~submitting~~ relating to an appeal for mercy from Sewak Kumar, a prisoner under sentence of death in the ~~Delhi~~ Ambala District Jail, I am directed to forward a copy of a telegram sent to you this day no. 1453. (Pol. ~~Judicial~~), stating that the Governor General in Council declines to interfere on behalf of the prisoner.

- 96

I have, etc.,

Deputy Secretary.

173

519 HD—200—20-9-13—GCBP Simla

201

NATIONAL ARCHIVES OF INDIA

C. 1/5 Pol. Inst. Dic. Hyp's

INDIAN TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay Rs. | As. | Office Stamp. SIMLA 1 MY.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Delhi R 1 7 50 state x 44

Secy to Govt India 8 48

Home Deptt Simla

Acknowledge receipt of your telegrams numbers fourteen fifty, fourteen fifty one and fourteen fiftytwo political all dated thirtieth april in-timating viceroys refusal to interfere cases of balmokand Amir Chand and Abad Behari

N. B.—The name of the Sender, if telegraphed, is written after the text.

— Jail —

corrs pp 93-95

190

202

NATIONAL ARCHIVES OF INDIA

Pro. no. 406.

191

Branch Poll:
Regr No 3008
Entered 1/5/15

NATIONAL ARCHIVES OF INDIA

173
A

203

Cr Foll. 1/5/15 [illegible]

INDIAN TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.		Office Stamp.
Rs.	As.	
-		

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Ambala L	1	11	25	State 29	

TO

Recd. here at 11 H. 40 M.

Home Simla

Your telegram no 1453 of 30th ultimo intimating result of petitioner for mercy to viceroy received date of execution fixed for 10th instt. - Jail -

Corrs page 96

N. B.—The name of the Sender, if telegraphed, is written after the text.

204

192

NATIONAL ARCHIVES OF INDIA

Pro. no. 407. 193
Branch Poll
Regr No 3009
Entered 1/5/15

NATIONAL ARCHIVES OF INDIA

C. CWK/15.

INDIAN TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.

Rs.	As.

SIMLA Office Stamp 1 MY. 15

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Delhi	1	9	10	state X	48

Recd. here at 9/50 M.

TO

Secretary to Govt of India Home Dept Simla

716 Date of execution of amirchand balmukand and abad behari fixed for saturday eighth instt although orders of govt communicated to the three condemned they propose taking time to submit appeal for mercy to King Emperor Jail

N. B.—The name of the Sender, if telegraphed, is written after the text.

206

194

NATIONAL ARCHIVES OF INDIA

NATIONAL ARCHIVES OF INDIA

177

207

C. Pol E 1/87

INDIAN TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay. Rs.	As.	Office Stamp.
		SIMLA 1 MY 15 G.T.O.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Ambala C	1	18	55	Ste	30

TO Home Ambala

Reed. here at 19 H. 20 M.

I Know nothing about this Case stop it must have been done by Dina Nath stop to save himself he has taken my name stop I am innocent and young man

N. B.—The name of the Sender, if telegraphed, is written after the text.

202

196

NATIONAL ARCHIVES OF INDIA

C. INDIAN TELEGRAPHS. C

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.		Office Stamp.
Rs.	As.	

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Recd. here at H. M.

H = man =

pray for mercy

= Jude

N. B.—The name of the Sender, if telegraphed, is written after the text.

209

197

NATIONAL ARCHIVES OF INDIA

Pro. No. 409.

198

HOME DEPT
GOVERNMENT OF INDIA.
Branch Poll:
Regr No 3030
Entered 3/5/35

180

NATIONAL ARCHIVES OF INDIA

180

Pro. No. 410.

199

Copy of an ordinary Telegram dy 1.5.15 from the Supdt. D. Jail Ambala to the Secretary to the Government of India, Home Department Simla.

Pol. 1 Dfs India 3/5

HOME DEPT GOVERNMENT OF INDIA. Branch Pol. Regr No 3055 Entered 3/5/15. Covers page 6

Your Telegram no 1453 of 30th Ultimo intimating result of petition for mercy to Viceroy received.

Date of execution fixed for 10th instant

No 529 dy 1.5.15

Dated Ambala the 1.5.15

Copy forwarded to the Secretary to the Govt. of India, Home Deptt Simla by post.

A. Brist.

181

211 Supdt. Dist. Jail Ambala

Lt Col Ins

NATIONAL ARCHIVES OF INDIA

Pro. no. 411. 200 125

Substance of Petition for mercy of Condemned convict Basant Kumar Biswas, confined in Ambala District Jail, by Telegram -

Poll. 3056 Ins Dra 3/5/15

HOME DEPT
GOVERNMENT OF INDIA.
Branch Poll:
Regr No 3056
Entered 3/5/15

I know nothing about this case - stop. It must have been done by Dina nath. stop.
To save himself he has taken my name. stop. I am innocent and young man pray for mercy.

no 532 dy 1/5/15

Copy forwarded by post.

A. Bush.
Lt Col Ins
Supdt Dist Jail
Ambala

182

212

NATIONAL ARCHIVES OF INDIA

Pro. no. 412.

No. 530 d 1 5/15

201

HOME DEPT
GOVERNMENT OF INDIA
Branch Poll:
Regr No 3057
Entered 3/5/15

From

Lt.Col.A.W.T.BUIST.M.B.I.M.S.
Superintendent District Jail
AMBALA

To

The Secretary to the Government of India
Home, Department
Simla.

Sir,

With reference to your telegram of yesterday and my telegram of to-day acknowledging the receipt of yours, I have the honour to state that your telegram has not so far been confirmed by post.

I have informed Convict Basant Kumar Biswas of the ~~result~~ rejection of of his petition to His Excellency the Viceroy and Governor General in Council. The Convict has expressed a wish to prefer his petition to His Majesty the King Emperor for mercy, which I have the honour to enclose herewith.

I have fixed tenth May 1915 as the date of execution, which I have already wired to you, as requested.

I have the honour to be
Sir
Your most obedient servant

A. Buist Lt.Col.I.M.S.

Superintendent District Jail

AMBALA

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Petition for mercy of Condemned Prisoner Basant Kumar Biswas.
confined in the AMBALA District Jail.

I most humbly and respectfully beg to state that I know nothing of the case for which I am convicted.

I think this is the work of Dina Nath himself. To save himself from the punishment he has taken my name.

I am not quite certain that Bomb was really put on road by Dina Nath, But to begin the case, Police was in need of a man who should be charged of the offence, hence, at the pressure of the Police, Dina Nath took my name.

I am a young man and quite innocent, therefore respectfully beg to pray that I may be released through mercy.

True translation

A. Buist. Lt.Col.I.M.S.

Superintendent District Jail
AMBALA

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کمشنر فیض گنجور جناب معلی القاب جناب شہنشاہ معظم جارج پنجم دام اقبالہ

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جناب عالی

مخرب پرور سلامت

ادب سے گذارش ہے کہ جس مقدمہ میں فدوی کو سزا ملی ہے

فدوی کو اوسکی بابت کچھ حال معلوم نہیں۔ میرا خیال ہے کہ یہ دینا

ناتھ کی کارستانی ہے کہ اوسنے اپنے بچاؤ کے لئے میرا نام لے لیا ہے

میں وثوق سے نہیں کہہ سکتا کہ بجز دینا ناتھ ہی نے سڑک پر رکھا تھا

لیکن پولیس کے دباؤ میں آکر دینا ناتھ نے میرا نام لے لیا

کیونکہ پولیس کو ایک ایسا آدمی مطلوب تھا کہ جس پر یہ الزام لگایا جاوے

میں ایک نو عمر بے گناہ آدمی ہوں لہذا میری عاجزانہ التماس ہے کہ ترحم

خسروانہ کو کام میں لاکر فدوی کو رہا فرمایا جاوے

فدوی نسبت کمار بواس قیدی

attested
A Bristol
Lt Col Imp
Supdt of Jail
Gurlam Rasul
Jailor
1/5/15

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Pro. no. 413

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EXPRESS.

Home Department.

Telegram no. 1503 (~~Judicial~~ Polt.), dated the 4.5.1915.

To—Superintendent, District Jail, ~~Delhi~~ Ambala.

Number 1503 ~~Judicial~~ Polt. ~~Correspondence ending~~ Your letter no. 530, dated 1st May 1915

Governor General in Council has withheld memorial, ~~dated~~ undated received from Basant Kumar Biswas ~~from on behalf of~~, a condemned prisoner in ~~Delhi~~ Ambala District Jail, addressed to King Emperor ~~Secretary of State~~, under rules governing the submission of petitions for mercy, addressd to King Emperor ~~Secretary of State~~ from condemned prisoner~~s~~. Please inform petitioner and carry out sentence on the date fixed.

Sd/- H Wheeler

~~Deputy~~ Secretary.

No. 1504, 1505.

Copy forwarded to the Govt. of the Punjab
C.C. of Delhi

for information

By order,
Sd/- H Wheeler
Secy

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519HD—200—20-9-13—GCBP Simla

NATIONAL ARCHIVES OF INDIA

Pro. no. 414

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~~130~~ 194

No. 1506 Poltl. (~~Judicial~~), dated the 4. 5. 1915.

Heme Department.

To—The Superintendent of the District Jail, ~~Delhi.~~ Ambala

SIR,

With reference to ~~the correspondence ending with~~ your letter no. 530, dated the 1/5/1915 submitting a memorial for mercy, addressed to the King Emperor ~~Secretary of State~~, from Basant Kumar Biswas, a prisoner under sentence of death in the Delhi District Jail, I am directed to forward a copy of a telegram sent to you this day no. 1503 Poltl. ~~(Judicial),~~ stating that the Governor General in Council has withheld the memorial.

I have, etc.,

Sdf. H Wheeler

~~Deputy~~ Secretary.

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519HD—200—20-9-13—GCBP Simla

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Pol. 5/5 Inv. Dia 23/5

Pro. no. 415. 206

GOVERNMENT OF INDIA
Branch Poll:
Regr No 3047
Entered 3/5/15

Copy of telegram dated the 1st May 1915, from the Super--intendent District Jail, Delhi to the Secretary to the Govt: of India-Home Department, Simla.

Delhi-Lahore Conspiracy Case

Acknowledge receipt of your telegrams numbers fourteen fifty, fourteen fifty one, and fourteen fifty two, political, all dated thirtieth April, intimating Viceroy's refusal to interfere cases of Balmukand, Amirchand and Abad Behari.

Death case - Urgent

No: 713.

Delhi Jail, the 1st: May 1915.

Copy [redacted] of the telegram forwarded by post for information.

N. H. Oglore Lieut: Col: I.M.S.,
Superintendent District Jail, Delhi.

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NATIONAL ARCHIVES OF INDIA

Pol. 75

Pro. 210.416 207

HOME DEPT
GOVERNMENT OF INDIA.
Branch Poll.
Regr No. 3048
Entered 5/5/15

Copy of telegram No:716 dated the 1st May 1915, from the Superintendent District Jail, Delhi, to the Secretary to the Government of India, Home Department, Simla.

Date of execution of Amirchand, Balmukand and Abad Behari fixed for Saturday, eighth instant. Although orders of Government communicated to the three condemned they propose taking time to submit appeal for mercy to King Emperor.

Death Case - Urgent

No: 717.

Delhi Jail, the 1st May 1915.

Copy of the telegram forwarded by post for information in continuation of this office endorsement No:713 dated the 1st May 1915.

Lt:Col:I.M.S.,
Superintendent Distt: Jail, Delhi.

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C. Pol 4/5. 7.50 p

INDIAN TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.	
Rs.	As.

Office Stamp. SIMLA 4 MY 15 G.T.D.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO Ambala C 4 18 25 Recd. here at State H. 74 M.

Home Simla 18 58

Your telegram of corresp 110 date is repeated number 1503 political your letter number 530 dated first may 1915 governor general in Council has withheld memorial undated received from basant Kumar Biswas condemned prisoner in ambala district

N. B.—The name of the Sender, if telegraphed, is written after the text.

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C. INDIAN TELEGRAPHS.

NOTICE.	Charges to pay.		Office Stamp.
This form must accompany any inquiry made respecting this Telegram.	Rs.	As.	

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO district II

Recd. here at H. M.

jail addressed to King emperor under rules governing the submission of petitions for mercy addressed to King emperor from Condemned prisoner stop please inform petitioner and carry out sentence on the date fixed

= Jail =

N. B.—The name of the Sender, if telegraphed, is written after the text.

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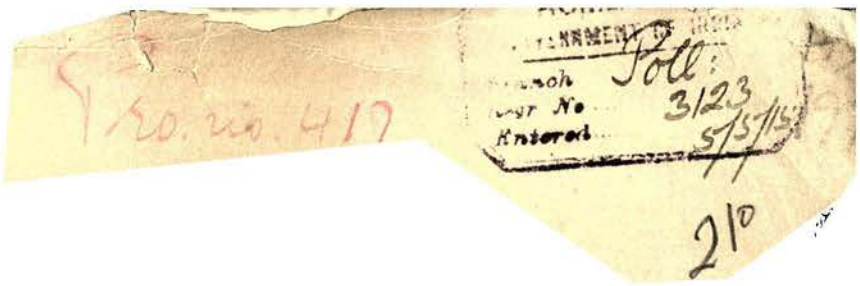

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L. C. J. Press

[Punjab Jail Form 77 A].

N. B.—The No: and date of this letter should be quoted when replying to it.

No. 728

HOME DEPT
GOVERNMENT OF INDIA
Branch
Regr No
Entered
Poll 3/66 6/5/15

Poll: 6/5/15

From

The Superintendent, District Jail,

Delhi

To

The Secretary to the Government of India

Home Department Simla

Dated 5. 5 1915

SUBJECT.

Sir,

I have the honour to acknowledge the receipt of your letter NOs: 1467, 1468, and 1469 dated 2nd May 1915 respectively conveying orders regarding the cases of Bal Mokand, Amir Chand and Abad Behari.

I have the honour to be,

Sir,

Your most obedient servant,

W. H. Ogilvie Lt. Col. I.M.S.

Superintendent District Jail,

Delhi.

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HOME DEPT
GOVERNMENT OF INDIA
Branch Polt
Regr No 3178
Entered 6/5/15

Copy of an
d/ 4.5.15 from the
Ambala to the Secret
Government of India Sin

your Telegram of date is repeat
" Number 1503 Political your
letter number 530 dated first-
May 1915 Governor General
in Council has withheld
Memorial undated, received
from Basant Kumar Biswas,
a Condemned prisoner in
Ambala District Jail, addressed
to King Emperor under rules
governing the submission of
petitions for mercy addressed
to King Emperor from Condemned
prisoners. stop- Please inform
petitioner and carry out

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S/2 Encl

200 date fixed.

No 548

Ambala Dist Jail the 5/5/15

Copy forwarded to the Secretary to the Government of India Home Department Simla, by post. Prisoner has been informed.

A. Mist Lt Col
Supdt Dist Jail
Ambala

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